



The  
University of South Carolina



Coleman Karesh  
Law Library

USC

JUN 11 1999

LAW LIBRARY

Digitized by the Internet Archive  
in 2011 with funding from  
LYRASIS Members and Sloan Foundation

<http://www.archive.org/details/journalofconvent00sou>

JOURNAL  
OF  
THE CONVENTION  
OF THE  
PEOPLE OF SOUTH CAROLINA,  
HELD

IN COLUMBIA, S. C., SEPTEMBER, 1865.

TOGETHER WITH THE  
ORDINANCES, REPORTS, RESOLUTIONS, ETC.

PUBLISHED BY ORDER OF THE CONVENTION.

COLUMBIA, S. C.,  
J. A. SELBY, PRINTER TO THE CONVENTION.

1865.

Clear

1965  
A2

JOURNAL  
OF THE  
CONVENTION OF THE PEOPLE OF SOUTH CAROLINA.

WEDNESDAY, SEPTEMBER 13, 1865.

Pursuant to the proclamation of His Excellency B. F. Perry, Provisional Governor of the State of South Carolina, providing for the calling of a Convention of the people of the State, to assemble in Columbia, on Wednesday, the 13th of September, A. D. 1865, the Delegates from the several Election Districts of this State, assembled in the Baptist Church, in the town of Columbia, on this day, at 12 o'clock m.

On motion of Mr. ROBERTSON, of Fairfield, Mr. F. J. Moses, a Delegate from Sumter, was called to the Chair. The Chair then proceeded to appoint Mr. J. H. Norwood, a Delegate from Darlington, and Mr. F. W. McMaster, a Delegate from Richland, temporary Secretaries.

The credentials of the following individuals were then exhibited, and their names enrolled as members of the Convention:

*From Abbeville*—Messrs. D. L. Wurdlaw, S. McGowan, Thomas Thomson, W. A. Lee and J. W. Hearst.

*From All Saints*—Mr. U. A. De Lettre.

*From Anderson*—Messrs. J. L. Orr, John Wilson, Alexander Evans, W. S. Pickens.

*From Burnwell*—Messrs. A. P. Aldrich, J. J. Brabham, J. M. Whetstone.

*From Chester*—Messrs. James Hemphill, A. P. Wylie, C. D. Melton.

*From Chesterfield*—Messrs. John A. Ingles, Henry McIver.

*From Christ Church*—Mr. R. T. Morrison.

*From Clarendon*—Messrs. James McCauley, John Peter Richardson.

*From Darlington*—Messrs. David C. Milling, J. H. Norwood, J. E. Byrd.

*From Edgefield*—Messrs. W. S. Mobley, G. D. Tillman, R. G. M. Duvant, F. W. Pickens, Paul F. Hammond.



WEDNESDAY, SEPTEMBER 13.

*From Fairfield*—Messrs. Jas. H. Rion, John Bratton, William R. Robertson.

*From Greenville*—Messrs. William H. Perry, James P. Boyce.

*From Horry*—Mr. Joel B. Skipper.

*From Kershaw*—Messrs. A. D. Goodwyn, L. W. R. Blair.

*From Lancaster*—Messrs. R. M. Sinis, J. L. Reed.

*From Laurens*—Messrs. C. P. Sullivan, Wm. Mills, jr., A. W. Moore, B. W. Ball.

*From Lexington*—Messrs. L. Boozer, John Fox.

*From Marion*—Messrs. A. Q. McDuffie, Wm. T. Wilson, R. H. Reeves.

*From Marlboro*—Messrs. T. C. Weatherly, C. W. Dudley.

*From Newberry*—Messrs. E. P. Lake, Henry Summer, R. Stewart.

*From Orange*—Messrs. J. H. Morgan, C. M. McMichael.

*From Pickens*—Messrs. Edward Herndon, L. B. Johnson, Alexander Bryce, sr., James LaFayette Boyd.

*From Richland*—Messrs. F. W. McMaster, A. R. Taylor, Wm. Wallace.

*From St. Andrew's*—Mr. Wm. Izard Bull.

*From St. Bartholomew's*—Mr. A. Campbell.

*From St. James', Goose Creek*—Mr. W. M. Brailsford.

*From St. James', Sumter*—Mr. J. G. DuPre.

*From St. George's, Dorchester*—Mr. W. A. Chisolm.

*From St. Matthew's*—Mr. T. J. Goodwyn.

*From St. Peter's*—H. C. Smart.

*From St. Philip's and St. Michael's*—Messrs. Charles Macbeth, Alfred Huger, H. D. Lesesne, W. H. Gilliland, James Conner, W. M. Martin, F. Melchers, P. C. Gipplard, John Selnicole, Geo. W. Williams, James Rose, John A. Wagenet, Charles H. Simonson, P. J. Coogah, A. O. Andrews, Edward Frost, William S. Henley.

*From St. Stephen's*—Mr. W. H. Cannon.

*From St. Thomas' and St. Dennis'*—Mr. C. M. Furman.

*From Spartanburg*—Messrs. J. Winsmith, John W. Carlisle, M. C. Barnett, James Farrow.

*From Sumter*—Messrs. F. J. Moses, John N. Frierson, Thomas M. Muldrow.

*From Union*—Messrs. W. H. Wallace, T. N. Dawkins, Wm. J. Keenan.

*From Williamsburg*—Mr. J. A. James.

*From Winfield*—Mr. R. Dozier.

*From York*—Messrs. R. A. Ross, W. C. Beatty, W. C. Black, Cadwallader Jones.



JOURNAL OF THE CONVENTION,

5

The Convention then proceeded to ballot for permanent President, with the following result:

*First Ballot.*

Whole number of votes cast.....	100
Necessary to a choice.....	51
Mr. D. L. Wardlaw received.....	42 votes.
Mr. C. W. Dudley received.....	36 votes.
Scattering.....	22

*Second Ballot.*

Whole number of votes cast.....	101
Necessary to a choice.....	51
Mr. D. L. Wardlaw received.....	55 votes.
Mr. C. W. Dudley received.....	35 votes.
Scattering.....	10

The CHAIR announced that Mr. D. L. Wardlaw, having received a majority of the votes cast, was duly elected permanent President of the Convention.

On motion of Mr. ALDRICH,

*Resolved*, That a Committee of Three be appointed to conduct the President elect to the Chair.

The following gentlemen were appointed: Messrs. A. P. Aldrich, Edward Frost and John A. Ingalls.

The President elect then addressed the Convention.

On motion of Mr. ORR, it was

*Resolved*, That the President appoint a Clerk, Messenger and Door-keeper for the Convention.

On motion of Mr. ORR, it was

*Resolved*, That a Committee of Three be appointed to wait on Governor Perry, inform him that the Convention was organized, had elected the Hon. D. L. Wardlaw, President, and was ready to receive any communication he may be pleased to make.



WEDNESDAY, SEPTEMBER 13.

Mr. ALDRICH introduced the following resolutions, and moved that they be printed and made the Special Order of the Day for to-morrow, at 1 o'clock P. M.

Mr. DUDLEY moved to lay the resolutions on the table; which was agreed to.

*Resolved*, That, under the present extraordinary circumstances, it is both wise and politic to accept the condition in which we are placed; to endure patiently the evils which we cannot avert or correct, and to await calmly the time and opportunity to effect our deliverance from unconstitutional rule.

*Resolved*, That a Committee, to consist of one member from each Judicial District, be raised, to prepare business for the Convention, and to which shall be referred all matters relating to the public welfare of the State.

Mr. ORR, from the Committee appointed to wait upon his Excellency the Governor, reported that his Excellency will communicate with the Convention to-morrow, at 12 o'clock M.

On motion of Mr. FROST, it was

*Resolved*, That a Committee of Three be appointed to prepare and report rules for the government of the Convention.

Messrs. Frost, Moses and Inglis were appointed the Committee.

On motion of Mr. MELTON, it was ordered that the returns of the Managers of Elections for St. Luke's be referred to a Committee of Three, to investigate and report thereon.

Whereupon, the PRESIDENT appointed Messrs. Melton, Aldrich and Orr of the Committee.

Mr. INGLIS offered the following resolutions, which, on motion of Mr. ORR, were postponed for further consideration, until to-morrow, at 2 o'clock P. M.:

*Resolved*, That the following Committees be appointed, and a Chairman of each be designated by the President of the Convention:

1. A Committee consisting of One Member from each Judicial District in the State represented in this Convention, to be styled "*The Committee on the Constitution of the State*," to which shall be referred all propositions touching the Constitution, or the remodelling, altering or amending of the same.



## JOURNAL OF THE CONVENTION

2. A Committee of Thirteen Members, to be styled "*The Committee on Federal Relations*," to which shall be referred all propositions touching the relations of this State to the Government of the United States.
3. A Committee of Thirteen Members, to be styled "*The Committee on Colored Population*," to which shall be referred all propositions touching the subject of slavery, and the condition of the colored people of the State.
4. A Committee of Thirteen Members, to be styled "*The Committee of Ways and Means*," to which shall be referred all propositions touching the raising and disbursing of money by this Convention or the State, and also, all pecuniary claims against the Convention.
5. A Committee of Thirteen Members, to be styled "*The Committee on Ordinances and Resolutions*," to which shall be referred all propositions of matters to be ordained or resolved by this Convention not properly or exclusively referable to any one of the other Committees herein provided for.
6. A Committee of Seven Members, to be styled "*The Committee on Printing*," which shall be charged with procuring such printing to be done as shall be required by the Convention, and superintending the proper execution of the same.

Mr. F. W. PICKENS submitted the following Ordinance:

*We, the Delegates of the People of the State of South Carolina, in General Convention met, do Ordain, That the Ordinance passed in Convention, 20th of December, 1860, withdrawing this State from the Federal Union, be, and the same is hereby, repealed.*

The fortunes of war, together with the proclamation of the President of the United States, and the generals in the field commanding, having decided that domestic slavery is abolished; therefore, under the circumstances, we acquiesce in said proclamation, and do hereby ordain implicit obedience to the Constitution of the United States, and all laws made in pursuance hereof.

On motion of Mr. SIMONTON,

*Ordered, That when the Convention adjourns, it be adjourned to meet to-morrow, at 11 o'clock A. M.*

*Mr. RION gave notice that to-morrow he would offer an amendment to the resolution offered by Mr. Inglis.*



WEDNESDAY, SEPTEMBER 13.

On motion of Mr. SIMONTON, the Convention was adjourned at 5 o'clock P. M.

J. H. NORWOOD,  
F. W. McMASTER,  
Secretaries of the Convention.

THURSDAY, SEPTEMBER 14, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair.

Mr. WINSMITH introduced the following resolution, which was agreed to :

*Resolved*, That each day's proceedings of this Convention be opened with prayer; that the Rev. Mr. Boyce be requested to officiate this morning, and that the President of the Convention be requested to invite some clergyman to perform that duty for each successive day.

The proceedings were accordingly opened with prayer by Rev. James P. Boyce.

The Secretary called the roll, and the following Delegates answered to their names :

Messrs. Aldrich,  
Andrews,  
Blair,  
Bratton,  
Black,  
Boozer,  
Boyce,  
Brailsford,  
Bryce,  
Brabham,

Messrs. Bull,  
Byrd,  
Barnett,  
Carlisle,  
Campbell,  
Cannon,  
Chisolm,  
Conner,  
Coogan,



## JOURNAL OF THE CONVENTION,

9

Messrs. DeLettre,	Messrs. Moore,
Dunovant,	Morgan,
DuPre,	Moses,
Dozier,	Melchers,
Evins,	Muldrow,
Farrow,	Norwood,
Fox,	Orr,
Frierson,	Perry,
Frost,	Pickens, W. S
Furman,	Rion,
Goodwyn, A. D.	Robertson,
Goodwyn, T. J.	Reed,
Gilliland,	Reaves,
Gailliard,	Rose,
Hearst,	Ross,
Hammond,	Skipper,
Herndon,	Sims,
Henery,	Summer,
Inglis,	Stewart,
James,	Smart,
Johnson,	Simonton,
Keenan,	Sohnierle,
Lee,	Thomson, Thos.
Lake,	Tillman,
McDuffie,	Taylor,
McGowan,	Wilson, John
McIver,	Wilson, W. T.
Martin,	Wylie,
Miller,	Wallace, W. H.
Milling,	Wagener,
Mobley,	Williams,
McMaster,	Winsmith,
McMichael,	Whetstone.

The Journal of yesterday's proceedings was read and corrected.

Mr. ANDREWS introduced the following resolution, which was agreed to:

*Resolved*, That the representatives of the press be permitted seats upon the floor of the Convention, subject to the direction of the Chair.



THURSDAY, SEPTEMBER 14.

The PRESIDENT announced the following gentlemen as officers of the Convention, viz: John T. Sloan, Clerk; Wm. C. McGregor, Messenger and James Windsor, Door-keeper.

Mr. FROST, from the Committee on Rules for the Government of the Convention, made the following report, which was agreed to:

The Committee appointed to prepare Rules for the regulation of the proceedings of this Convention, respectfully report:

That they recommend the adoption of the Rules of the Senate of this State, as adopted November, 1848, and amended December, 1856, and printed in 1857, by order of the House of Representatives, except Rules 14, 15, 18, 26, 27, 28, 33 and 34, with the addition of the following, to be the first in order:

"The President and sixty-two members shall be a quorum to transact business."

And the Committee further recommend that two hundred copies of those Rules be printed for the use of the Members.

EDWARD FROST.

The following additional Delegates appeared, exhibited their credentials, and enrolled their names as members of the Convention:

From Greenville—Mr. T. C. Bolling.

From Williamsburg—Mr. Edward Porter.

From Winyah—Mr. B. C. Fishburne.

Mr. MELTON, from the Committee to whom was referred the return of the Managers of Election for St. Luke's Parish, submitted a report, which was agreed to. Whereupon Mr. Leroy F. Youmans enrolled his name as a member of the Convention.

Mr. INGLIS introduced

An Ordinance to declare in present force the Constitution and laws heretofore in force in this State, and the acts official, public and private, done and the appointments and elections made under authority of the same which, on motion of Mr. INGLIS, was ordered to lie on the table, and to be printed.

Message No. 1 was then received from his Excellency the Governor, and was read by his Private Secretary, William H. Perry, Esq.:



## MESSAGE NO. 1.

## EXECUTIVE DEPARTMENT SOUTH CAROLINA.

*To the Members of the State Convention.*

GENTLEMEN: You have been convened in obedience to the proclamation of his Excellency Andrew Johnson, President of the United States, for the purpose of organizing a State Government, "whereby justice may be established, domestic tranquility insured, and loyal citizens protected in all their rights of life, liberty and property." As Provisional Governor of the State of South Carolina, under whose orders you were elected and have assembled, it is proper that I should address you on the present occasion, and assist you, if I can, in restoring our beloved State to her constitutional relations to the Federal Government, and aid you by my suggestions in presenting "such republican form of State Government as will entitle South Carolina to the guarantee of the United States therefor, and her people to protection, by the United States, against invasion, insurrection and domestic violence."

The great political convulsions which have recently taken place in the Southern States, and the terrific war which has swept over South Carolina, devastating her territory and depriving her citizens of all civil government, are too well known to you, and too painful in their detail, for me to bring them unnecessarily in review before you. Instead of dwelling on the past, and grieving over its errors and misfortunes, let us, with manly fortitude, look to the future, and accommodate ourselves to the circumstances which surround us, and which cannot be changed or avoided.

The President of the United States has manifested a generous and patriotic solicitude for the restoration of the Southern States to all their civil and political rights, under the Constitution and laws of the United States. He desires to see the Federal Union reconstructed as it was before the secession of those States; and he will oppose the centralization of power in Congress, and the infringement of the constitutional rights of the States, with the same zeal, energy and power with which he resisted the assumed right of secession on the part of the States. In order to accomplish this re-union of the States, the President desires that South Carolina, as well as all the other States in rebellion, should accept as inevitable and unavoidable the great final results of the war.

African slavery, which was a cherished institution of South Carolina from her earliest colonial history, patriarchal in its character, under which the negro has multiplied and increased with a rapidity proving that he has been kindly cared for and protected, is gone, dead forever, never to be revived.



THURSDAY, SEPTEMBER 14.

or hoped for in the future of this State. Under the war-making power, the military authorities of the United States have abolished slavery in all of the seceding States. The oath you have solemnly taken to "abide by and faithfully support all laws and proclamations which have been made during the existing rebellion, with reference to the emancipation of slaves," requires you, in good faith, to abolish slavery in your new or amended Constitution. The express terms on which your pardons have issued, stipulate that you shall never again own or employ slave labor. It is likewise altogether probable that the proposed amendment to the Federal Constitution, abolishing slavery, will be adopted by three-fourths of the States and become a part of the Constitution. Moreover, it is impossible for South Carolina ever to regain her civil rights and be restored to the Union till she voluntarily abolishes slavery, and declares, by an organic law, that neither "slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted," shall ever again exist within the limits of the State. Until this is done, we shall be kept under military rule, and the negroes will be protected as "freedmen" by the whole military force of the United States. But I know that you are all honorable men, as well as patriotic men, and will do your duty faithfully to yourselves and your country, however painful it may be.

In making this unavoidable change in your Constitution, abolishing slavery, and which will require the substitution of hired labor for that of slave-labor, it is to be hoped that none of those evils will be experienced which some have anticipated. By a wise, just and humane treatment of your "freedmen" and women, you may attach them to you as strongly in their new condition as they were whilst your slaves. They will soon learn to see and feel their dependence on you, and know that their interests require them to be true and faithful to you. It is to be expected that so great and sudden a change as this in the condition of the negro will produce, at first, confusion, idleness and dissatisfaction. This, however, will only be temporary. Time and experience must bring order and system. The "freedman" will soon find out that he must work or perish. Legislation will necessarily be required to regulate the relative duties of the employer and employee.

It is very desirable that you should avail yourselves of the present opportunity of reforming and popularizing the State Constitution in several particulars. It is the reproach of South Carolina abroad that her Constitution is less popular and republican in its provisions than that of any other State in the Union. And it is thought by many that to this cause alone may be traced the origin of that discontent and dissatisfaction with the Federa-



Government which, after being nursed for thirty-three or four years, ended in the secession and rebellion of thirteen or fourteen States;

The basis of representation in the Senate of this State, as you know, is entirely arbitrary, and founded on no just principles of property or population. At the time it was adopted—more than seventy-five years ago—it was, no doubt, fair and equal. But, since that time, the entire relative condition of the Election Districts has changed. The upper country, at the adoption of our State's Constitution, in 1790, was comparatively but newly settled, had a sparse population, and very little wealth. But, since that time, this portion of the State has increased in wealth and numbers in a much greater ratio than the lower country. Hence it is that the Parish representation in the Senate is unequal and unjust. Twenty or thirty voters in one of the Parishes, whose population and taxation combined entitle it to only one member of the House of Representatives, have the same representation in the Senate that three thousand voters have in Edgefield District, whose population and taxation entitle it to six members in the House. This is contrary to all republican principles of political justice and equality.

In the early history of South Carolina, the representation in the Parishes was repeatedly changed, to equalize it amongst the respective Election Districts. But all such changes have been obstinately refused during the last seventy-five years. Now that slavery is abolished, a reformation in this respect is imperative and must be adopted. In effecting this change, it would be well to adopt the basis of representation in the House of Representatives, which is founded on population and taxation. Each Judicial District in the State should, however, have one Senator, and the city of Charleston two; in addition to one from the District of Charleston. The other Senators, if the present number be retained, may be given to the largest Districts in population and taxation, as fractions are now represented in the House of Representatives. The two great elements of Representative Governments are wealth and population, and they should be both equally represented, so that the one cannot legislate to the injury of the other.

In considering the question of population, it is proper that the "freedmen," who take the places of white men in the lower country, and also in the upper country, in a less proportion, should, in some way and to some extent, be counted. This is due the lower country, where there is such a large preponderance of that class of persons. The Federal basis of representation in Congress, counting three-fifths of the negroes, would seem



to be just and right. It was the compromise agreed on by the framers of the Federal Constitution, and no doubt founded in wisdom.

The question of suffrage, and who shall exercise the right of voting in South Carolina, is one of grave importance, and must be settled by you in your new Constitution. In 1790, the State Constitution declared that no one should be allowed to vote unless he was a freeholder or tax-payer and a free white man of the age of twenty-one years. In 1810, the right of suffrage was extended to all free white men of the age of twenty-one, who were residents of the State two years, and of the Election District six months, previous to voting. The qualification of a freehold or the payment of a tax was no longer required. It was thought proper at that period that a free white man who had to serve in the militia, do patrol duty, work on the roads, and defend his country in time of war, should be allowed to vote for members of the Legislature and other officers of the State, without the ownership of a freehold or the payment of taxes. To extend this universal suffrage to the "freedmen" in their present ignorant and degraded condition, would be little less than folly and madness. It would be giving to the man of wealth and large landed possessions in the State a most undue influence in all elections. He would be enabled to march to the polls, with his two or three hundred "freedmen" as employees, voting as he directed, and control all elections. The poor white men in the Election Districts would have no influence, or their influence would be overpowered by one man of large landed estate. In Connecticut, Ohio, Indiana, Illinois, and several other non-slaveholding States, at the North, free negroes and colored persons are entirely excluded from voting. In most of the Northern States there is a property qualification required of all voters, which excludes them. If the New York qualification of a freehold for a person of color voting were adopted in South Carolina, very few of the freedmen in this State would ever be able to exercise the right of suffrage. In North Carolina, Tennessee, and perhaps other slaveholding States, free negroes formerly were entitled to vote, but it is understood that they seldom saw proper to exercise this franchise.

The radical Republican party North are looking with great interest to the action of the Southern States in reference to negro suffrage, and whilst they admit that a man should be able to read and write and have a property qualification in order to vote, yet they contend that there should be no distinction between voters on account of color. They forget that this is a white man's government, and intended for white men only; and that the Supreme Court of the United States has decided that the negro is not an American citizen under the Federal Constitution. That each and every



JOURNAL OF THE CONVENTION.

15

State of the Union has the unquestioned right of deciding for herself who shall exercise the right of suffrage, is beyond all dispute. You will settle this grave question as the interest and honor of the State demand.

South Carolina is the only State in the Union where the Chief Magistrate is not elected by the people. This should no longer be the case. It is a fundamental principle of the republican creed, that the people, in whom all sovereignty is inherent, should select their own rulers and representatives. Those powers only are delegated which cannot be properly exercised by the people. It is eminently wise and proper that the Governor of a State should derive his authority and election, immediately from the sovereign power of the State. The people should elect their Chief Magistrates, members of Congress and members of the Legislature. Having done this, the minor offices might be filled by appointment and the people relieved of the trouble, loss of time, and demoralization in making these petty elections. When the Governor has been elected by the people, he might safely be entrusted with more power than he has ever exercised in South Carolina. He should be made eligible or elected for a longer term than two years. He should be required to live at the seat of Government, and should receive a salary sufficient to defray all his necessary expenses.

The General Assembly of South Carolina is an Electoral College for the State as well as a Legislative body. They have the election of Governor, Electors of President and Vice-President, Lieutenant-Governor, United States Senators, Judges and Chancellors, all State officers, Magistrates, Commissioners of Roads and Bridges, Poor and Free Schools, Commissioners and Masters in Equity, and various other officers. This encumbrances legislation, occupies a great deal of the time of members, and is productive of evil consequences. The most of these elections and appointments should be taken from the Legislature.

The election of Presidential Electors by the Legislature is clearly usurpation on the part of that body, and which no other State in the Union tolerates at the present time. The Federal Constitution declares that "each State shall appoint in such manner as the Legislature thereof may direct Electors of President and Vice-President." The State and not the Legislature is to "appoint" Electors. The Legislature is to "direct" the "manner" of appointing only. The people are the State and should "appoint." No one will contend that the Legislature, which represents the State, is the State itself. This gross error will no doubt be corrected by the first Legislature which assembles under your new Constitution, and it may be well for you to express a wish for its correction.

The appointment of the State officers might be given to the Governor,



THURSDAY, SEPTEMBER 14.

with the advice and consent of the Senate. He might also with great propriety be empowered to make the appointment of many of the District officers, and thereby relieve the people of a fruitful source of demoralization in making these petty elections. The question is suggested for your consideration.

In all elections made by the Legislature, the voting should be *viva voce*, so that each member's constituents might know how he voted. The ballot is secret, and conceals the Representative's vote from his constituency. The people have a right to know how their representatives voted in elections as well as in legislation. In all elections by the people, the ballot is certainly the proper mode, for it enables every man to vote independently, according to his own convictions. No one has any right to know or question his vote. He votes as a sovereign. But the representative votes for others, and they have a right to know his vote.

It would be well to consolidate the Treasury Department. The State of South Carolina is neither so large nor so wealthy as to require two Treasurers. The Secretary of State and the Surveyor-General should be required to keep their offices only at the seat of government. The facilities of traveling between Charleston and Columbia are now such that there is no necessity for a division of these offices at the expense of the State. The Court of Appeals ought also to be required to sit altogether in Columbia, where one law library and one set of officers would be sufficient for the court.

In order to give additional importance and consideration to the office of Lieutenant-Governor, he ought to be made *ex-officio* President of the Senate; or, which would be as well, let the President of the Senate act as Governor in case of a vacancy, till another election can be made by the people.

You should provide for the election of members of the Legislature at an early day—the second Monday in October—so that the General Assembly may be convened in time to order the election of members of Congress and United States Senators, before the first Monday in December next. It is important that all of the Southern States should be fully represented when Congress assembles.

In your new Constitution, you should provide for and declare valid all Legislative, Executive and Judicial acts of the State since her secession, on the twentieth of December, eighteen hundred and sixty, which are not in conflict with the Constitution of the United States. Likewise all civil officers elected since that period should be authorized to continue to dis-



## JOURNAL OF THE CONVENTION.

17

charge the duties of their respective offices until the expiration of the term for which they were elected or appointed.

In organizing a Provisional Government, I thought it wisest and best to re-appoint all civil officers who were in office at the suspension of civil government in South Carolina. I told the President that we had no parties or political divisions in the State. All had acquiesced in her secession from the Federal Union, and now all would be equally loyal in their efforts to restore her to that Union. I had no friends to reward, no enemies to punish, at the sacrifice of the State. Those who were in office had been elected with their duties, and better calculated to adopt and put in motion machinery for a Government to be sanc-

I was authorizing the President to lay out a road from the expense of the nation. I do, in consequence, not consider it necessary to have to make any payment to the people of the country. This is as you advised.

The want of money or a circulating medium, will, will supply the country with money, for the most pressing wants of the emancipated slaves, and the very well disposed of among them, to re-claim their em-ents, and acquire the means of labor, and improve the re- Northern em-ents in real estate in South Carolina, and the now South, seeking its value, as water flows sec-

After the collapse of the so-called Confederacy, the Southern States were left in a most anomalous condition in reference to their monetary affairs. The gold and silver had been exported as an article of commerce during the war; the State banks were all broken and their bills driven out of circulation, and the Confederate money became, of course, valueless. This left the South without any kind of money or a circulating medium. Eight millions of people, in a high state of civilization, occupying a rich and fertile country, without money or the means of exchange, except by barter!

Gloomy as the present may seem, the future will be bright and glorious. Nothing is ever likely to occur again to mar the harmony of the Union. The great cause of dissension between the two sections has been removed.



THURSDAY, SEPTEMBER 14.

There are no rival interests. The North and the South are mutually necessary to each other, and all the pursuits of the one are dependent on those of the other. The United States, as a whole, combine all the elements of national prosperity and greatness, in a higher degree than any other people on the face of the earth. No empire in the world ever united in so eminent a degree the three great sources of independence, power and wealth—agriculture, commerce and manufactures. As long as civilization continues, this great Republic will flourish and increase in numbers, wealth and grandeur. It can only crumble and break into fragments when ignorance and darkness shall have pervaded the land.

South Carolina, as an integral part of this great power, must partake of its richness and prosperity. The abolition of slavery will give new energy and self-reliance to her people, stimulate industry and promote economy in all the vocations of life. In less than ten years we shall realize in the loss of slavery a blessing in disguise, to ourselves and our children.

In resuming her allegiance to the United States I know that South Carolina does so in good faith, and with perfect sincerity to her plighted honor. As she was the first to lead off in this great and most unfortunate secession movement, it now becomes her duty to set a bright example of loyalty to the other Southern States, in returning to the Union, and cheerfully performing all the obligations to the Federal Government. She will receive, in return, from that Government, a restoration of all her civil and political rights as a sovereign State, with a general amnesty for the past.

You should be careful to do all that is necessary to aid the President in carrying out his wise and generous policy of reconstruction, and do nothing which may tend to embarrass him in that policy or impede the restoration of the State to the Federal Union. It is a remarkable fact that the brave men who have imperilled their lives, and made every sacrifice in war, for the last four years, are promptly and cheerfully acquiescing in its results, whilst some of those who have kept out of danger and made less sacrifices, are less inclined to acquiesce in the inevitable results of that war.

I have the gratification of informing you that the policy I have pursued in my administration of the Provisional Government of the State has met the entire approval of the President, and he has directed the military authorities not to interfere with that policy, but to aid and assist me in carrying it out. I have likewise the pleasure of communicating to you that very recently I had an interview with Major-General Meade, commanding the Atlantic States, and Major-General Gillmore, commanding the Department of South Carolina, in reference to a seeming conflict between the civil and military authorities of the State; and that all difficulties were satisfac-



torily arranged. The civil law, the Courts, and civil officers of the State are restored, and their functions will not be interfered with by the military authorities, except in cases where freedmen and persons of color are concerned. These cases have been assigned to the Courts of the Provost Marshals for adjudication till the completion of the President's policy of reconstruction. All other cases will be heard and decided by the civil and municipal courts, under and according to the laws of South Carolina.

It is also a source of congratulation to know that the colored troops, whose atrocious conduct has disgraced the service and filled the public mind with the most horrible apprehensions, have been withdrawn from the interior of the State, and are to be placed in garrisons on the coast, where they can do no further mischief. In all of my personal interviews with the President and in all of my despatches to him, I urged this course most earnestly. The white troops are, I believe, doing their duty beneficially to the country in preserving the peace and good order of the State. It is thought that their presence amongst us for some time yet will be necessary in order to enforce the relative duties of the freedmen and their employers. In conclusion, gentlemen, I would invoke the Almighty to watch over all your deliberations, and direct your actions in every particular to the best interests, honor and glory of our beloved State.

B. F. PERRY.

On motion of Mr. BOYCE, one thousand copies of the Message was ordered to be printed; and,

On motion of Mr. SIMONTON, the Message was made the Special Order of the day for to-morrow, at 1 o'clock P. M.

Mr. INGLIS introduced

An Ordinance to abolish Slavery in this State; which, on motion of Mr. INGLIS, was ordered to lie on the table, and to be printed.

Mr. RION introduced a clause for the Constitution; which, on motion of Mr. RION, was ordered to lie on the table, and to be printed.

On motion of Mr. ORR, the Convention proceeded to the consideration of resolutions, introduced by Mr. Inglis, in relation to the appointment of Committees. The resolutions, by leave of the Convention, were withdrawn by Mr. Inglis.

Mr. RION introduced the following resolutions:

*Resolved*, That the following Standing Committees be appointed:

A Committee of Ways and Means, to consist of seven members.

A Committee on Printing, to consist of five members.



THURSDAY, SEPTEMBER 14.

A Committee to Repeal the Ordinance of Secession, to consist of seven members.

A Committee on Representation and the General Assembly, to consist of nine members.

A Committee on the Elective Franchise, to consist of seven members.

A Committee on Slavery and Emancipation and Colored Population, to consist of nine members.

A Committee on the Governor, to consist of seven members.

A Committee on the Judiciary, to consist of seven members.

A Committee on the Election and Appointment of District and State Officers, other than Governor, to consist of seven members.

A Committee on Existing Statutory and Constitutional Enactments, to consist of five members.

A Committee on the Bill of Rights, to consist of five members.

A Committee on the Comptroller-General, Treasurers, Secretary of State, and Surveyor-General, to consist of five members.

A Committee on Miscellaneous Enactments, to consist of five members.

A Committee on the Military, to consist of five members.

A Committee on the Compilation of the Constitution, to consist of thirteen members. Also,

A Committee to divide the State into Congressional Districts, and to provide for the election of Members of Congress, to consist of \_\_\_\_\_ members.

Mr. ORR offered the following resolutions :

*Resolved*, That a Committee of Seven Members be appointed, who shall be charged with the duty of preparing and reporting suitable amendments to the articles creating an Executive Department in the Constitution.

A Committee of Seven Members for the Legislative Department.

A Committee of Seven Members for the Judicial Department: And

A Committee of Seven Members for such general articles in the Constitution as are not embraced in either of the Departments.

The first two resolutions of Mr. RION were agreed to ; and

On motion of Mr. MOSES, the others were stricken out, and those of Mr. Orr substituted therefor.

Mr. SULLIVAN introduced the following resolutions ; which were ordered to be referred to the appropriate Standing Committee, when appointed.:



JOURNAL OF THE CONVENTION,

21

1. *Resolved*, That the State of South Carolina will restore her political relations with the Government of the United States by returning to the Union ; and that this Convention will adopt such measures as, in their judgment, will accomplish that object.

2. *Resolved*, That the Constitution of this State shall be so altered and amended as to require the election of Governor of the State to be made by the people of the State entitled to exercise the right of suffrage.

3. *Resolved*, That it is the opinion of this Convention, that the election of Electors of President and Vice-President of the United States should be made by the people of the State entitled to exercise the right of suffrage ; and that the Provisional Governor be respectfully requested to communicate this resolution to the next Legislature, with an earnest request that they pass the necessary enactment to carry into effect the object of this resolution.

4. *Resolved*, That hereafter there should be but one Treasurer of the State, who shall hold his office at the seat of Government ; that the office of Comptroller-General be abolished ; and that the offices of Secretary of State and Surveyor-General shall also be held at the seat of Government.

5. *Resolved*, That the sittings of the Courts of Appeal and for the Correction of Errors shall be held only at the seat of Government, unless the Legislature should otherwise provide for their temporary sittings, in case of war or the prevalence of contagious disorders.

Mr. ORR introduced the following resolutions ; which were ordered to be referred to the appropriate Standing Committee, when appointed :

*Resolved*, That the Constitution of this State shall be so amended as that

1. The election of Governor shall be made by the people.

2. That he shall be re-eligible.

3. That he shall be invested with a qualified veto upon the legislation of the General Assembly.

4. That the basis of representation in the House of Representatives shall be the white population of the State.

5. That the number of members composing the House shall be fixed at one hundred.

6. That the basis of representation in the Senate shall be based equally upon white population and taxation ; provided, that each Judicial District shall be entitled to at least one Senator.

7. That the number of Senators shall be fixed at forty.



THURSDAY, SEPTEMBER 14.

8. That the Lieutenant-Governor shall be *ex officio* President of the Senate.

9. That the Judges and Chancellors shall be appointed by the Governor, subject to the confirmation of the Senate.

10. That the Secretary of State, Comptroller-General and Treasurer shall be elected by the people.

11. That the District Officers, to-wit: Clerk, Sheriff, Ordinary, Commissioner in Equity and Tax Collector, shall be elected by the people in their respective Districts.

12. That slavery, except as a punishment for crime, after due conviction, is forever prohibited in this State.

13. That all elections by the Legislature shall be made *viva voce*, and the name of the member and of the person voted for recorded.

On motion of Mr. PICKENS, the Convention proceeded to the consideration of the ordinance introduced by him yesterday; which,

On motion of Mr. PICKENS, was referred to a Special Committee of Three; whereupon,

The PRESIDENT announced the following members of the Committee: Messrs. Pickens, McGowan and Leesne.

Mr. LESESNE introduced the following resolution; which,

On motion of Mr. BLACK, was ordered to lie on the table:

*Resolved*, That the action of this Convention should be restricted to those measures which are necessary for the reinstatement of the State in the Union and restoration to her of a civil Government.

On motion of Mr. ORR, it was

*Ordered*, That when the Convention adjourns, it be adjourned to meet to-morrow, at 12 o'clock M.

Mr. INGLIS introduced the following resolution, which was agreed to:

*Resolved*, That a Committee of Seven Members, to be styled "The Committee on Ordinances and Resolutions," be appointed by the President, to which shall be referred all propositions of matters to be ordained or resolved by this Convention, not properly or exclusively referred to any one of the other Committees already provided for.



JOURNAL OF THE CONVENTION,

23

Mr. FARROW introduced the following resolution, which was agreed to:

*Resolved*. That the Clerk be authorized to have printed for the use of the Convention one hundred and fifty copies of the Constitution of this State, adopted in 1861.

On motion of Mr. SULLIVAN, the Convention was adjourned at ten minutes past 3 o'clock P. M.

JOHN T. SLOAN,  
Clerk of the Convention.

FRIDAY, SEPTEMBER 15, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair, and the proceedings were opened with prayer by Rev. M. C. Barnett.

The Clerk called the roll, and the following Delegates answered to their names:

Messrs. Andrews.

Ball,  
Blair,  
Bolling,  
Boozer,  
Bratton,  
Boyce,  
Beatty,  
Boyd,  
Bryce,  
Brabham,  
Byrd,  
Barnett,  
Carlisle,  
Campbell,  
Cannon,

Messrs. Conner,

Coogan,  
Dawkins,  
DeLettre,  
Dunovant,  
Dudley,  
DuPre,  
Dozier,  
Evins,  
Farrow,  
Fox,  
Frierson,  
Furman,  
Fishburne,  
Goodwyn, A. D.  
Goodwyn, T. J.



FRIDAY, SEPTEMBER 15.

Messrs. Gilliland,	Messrs. Norwood,
Gaillard, J. G.	Orr,
Gourdin,	Perry,
Hearst,	Pickens, F. W.
Hemphill,	Pickens, W. S.
Hammond,	Porter,
Herndon,	Richardson,
Henery,	Rion,
Huger,	Robertson,
Ingles,	Reed,
James,	Reaves,
Jones,	Rose,
Johnson,	Ross,
Keenan,	Skipper,
Lee,	Sims,
Lake,	Sullivan,
Lesesne,	Summer,
McCauley,	Stewart,
McDuffie,	Sheridan,
McGowan,	Smart,
McIver,	Simonton,
Martin,	Schnierle,
Melton,	Thomson, Thos.
Mills, Jr.,	Taylor,
Milling,	Wilson, John
Mobley,	Wilson, W. T.
McMaster,	Wylie,
McMichael,	Weatherly,
Moore,	Wallace, Wm.
Morgan,	Wallace, W. H.
Morrison,	Wagner,
Moses,	Williams,
Macbeth,	Winsmith,
Melchers,	Whetstone,
Muldrow,	Youmans.

The Journal of yesterday's proceedings was read.



The following additional Delegates appeared, exhibited their credentials and enrolled their names as members of the Convention;

*From St. Philip and St. Michael*—Mr. Hénry Gourdin.

*From St. Bartholomew's*—Mr. H. G. Sheridan.

The PRESIDENT announced the following Standing Committees:

#### STANDING COMMITTEES.

*Ways and Means*—Messrs. Furman, Keenan, McDuffié, Dunovant, W. M. Martin, Johnson, Williams.

*Printing*—Messrs. Lee, Carlisle, T. J. Goodwyn, Mobley, Stewart.

*Executive Department*—Messrs. Orr, Conner, Aldrich, F. W. Pickens, McMaster, Beattie, Simonton.

*Legislative Department*—Messrs. Inglis, Rion, McGowan, Boyce, McIver, Andrews, W. H. Wallace.

*Judicial Department*—Messrs. Lesesne, Frost, Moses, Thomson, Dozier, Campbell, Tillman.

*Amendments to Constitution not included in Above*—Messrs. Dudley, Farrow, Hémphill, Frierson, Macheth, Robertson, Hearst.

*Ordinances and Resolutions*—Messrs. Dówkins, Sullivan, Hammond, Porter, Black, Winsmith, Sumner.

A communication was received from Mr. D. McGregor, and was read by the President.

On motion of Mr. ANDREWS, the privileges of the floor of the House was extended to Mr. D. McGregor.

Mr. BEATTY introduced the following resolution; which was referred to the Committee on the Executive Department:

*Resolved*, That the Committee on the Executive Department be instructed to inquire and report on the propriety of making the Governor to be elected for the term of four years; on the propriety of dispensing with the office of Lieutenant-Governor; also, in case of the death, &c., of the Governor, of making the President of the Senate Governor; and also, in case of the death, &c., of the President of the Senate whilst acting as Governor, of requiring the Speaker of the House of Representatives to serve as Governor for the remainder of the term.



FRIDAY, SEPTEMBER 15.

Also, introduced the following resolution; which was referred to the Committee on the Legislative Department:

*Resolved*, That the Committee on the Legislative Department be instructed to inquire and report on the propriety of requiring only biennial meetings of the State Legislature, unless for cause specially prescribed.

Also, introduced the following resolution; which was referred to the Committee on the Judiciary Department:

*Resolved*, That the Committee on the Judiciary Department be instructed to inquire and report, on the propriety of establishing in the Constitution the following provisions:

1st, Ohio Supreme Court, with appellate jurisdiction throughout the State; the Judges thereof to be selected by the Governor, subject to the approval of a majority of the Senate.

2d. A Superior Court, the Judges thereof to be selected and approved in like manner as the Judges of the Supreme Court; the duties of said Judges, among others, to consist in administering the usual duties in each Judicial District twice in every year.

3d. A District or Judicial Court, to consist of one Judge, a resident of the Judicial District, to be elected for the term of four years, by the voters of the District; the duties of said Court extending to the hearing and determining all small and mean causes, and also all causes lately within the jurisdiction of the Court of Magistrates and Freeholders, not, however, procluding the office of Magistrate. Said Committee will also inquire and report on the propriety of giving said Court all jurisdiction now exercised by the Ordinary of the District.

Mr. BOLLING introduced the following resolution; which was referred to the Committee on the Judiciary Department:

*Resolved*, That it is the duty of all good governments to make the acquisition of justice as cheap and convenient to the masses of the people as possible, and, therefore, that it be referred to the Committee on the Judicial Department to inquire into and report a scheme for organizing a Court of Inferior Jurisdiction, for the trial of all petty misdemeanors, of all civil causes where the amount involved does not exceed one hundred dollars in value, and of all cases, whether civil or criminal, in which the parties litigant are persons of color.



Also, introduced the following resolution; which was referred to the Committee on the Legislative Department:

*Resolved*, That the Legislature should be prohibited, by a suitable provision in the Constitution, from appropriating money to works of internal improvements, and also from lending the faith and credit of the State to individuals, corporations or companies, for that or any other purpose.

Mr. LESESNE introduced the following resolution; which was adopted:

*Resolved*, That Ordinances adopted by this Convention shall be engrossed and then ratified, by being signed by the President and Clerk.

Also, introduced the following resolution; which was referred to the Committee on Amendments to the Constitution:

*Resolved*, That to prevent or lessen the evils attendant on frequent elections, and to guard against the profanation of the Sabbath, it is expedient to provide by the Constitution that all popular elections for Federal, State, or municipal officers, shall be held on one and the same day, and by the same managers; and that in the middle of the week—say the second Wednesday in October.

Also, introduced an Ordinance to declare slavery abolished in South Carolina, and prohibit its re-establishment; which was referred to the Committee on Ordinances and Resolutions:

Also, introduced the following resolution; which was agreed to:

*Resolved*, That there be added to the Standing Committees of the Convention an Engrossing Committee, consisting of three members, to be appointed by the President.

Whereupon the PRESIDENT announced the following members of the Committee: Messrs. Melton, Wagener, Norwood.

Mr. E. W. PICKENS, from the Special Committee, made a report, and reported an Ordinance to repeal the Ordinance of Secession, and the question being put, shall the Ordinance pass? it passed in the affirmative.

Yea, 105; nays, 3.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are



FRIDAY, SEPTEMBER 15.

Hon. D. L. WARDLAW, President, and  
Messrs. Andrews, Hammond,  
Ball, Herndon,  
Blair, Henery,  
Bolling, Huger,  
Boozer, Inglis,  
Bratton, James,  
Boyce, Jones,  
Beatty, Johnson,  
Boyd, Keenan,  
Brailsford, Lee,  
Bryce, Lake,  
Bull, Lesesne,  
Barnett, McDuffie,  
Carlisle, McCauley,  
Campbell, McGowan,  
Cannon, McIver,  
Chisolm, Martin,  
Conner, Melton,  
Coogan, Mills, Jr.,  
Dawkins, Milling,  
DeLettre, Mobley,  
Dunovant, Morrison,  
Dudley, McMaster,  
DuPre, McMichael,  
Dozier, Moore,  
Evins, Morgan,  
Farrow, Moses,  
Fox, Macbeth,  
Frierson, Melchers,  
Frost, Muldrow,  
Furman, Norwood,  
Fishburne, Orr,  
Goodwyn, A. D., Perry,  
Goodwyn, T. J., Pickens, F. W.,  
Gilliland, Pickens, W. S.,  
Gaillard, Porter,  
Gourdin, Rion,  
Hearst, Richardson,  
Hemphill, Robertson,



JOURNAL OF THE CONVENTION,

29

Messrs. Reed,

Reaves,

Rose,

Ross,

Skipper,

Sims,

Sullivan,

Summer,

Stewart,

Sheridan,

Smart,

Simonton,

Schnierle,

Messrs. Thomson,

Tillman,

Taylor,

Wilson, John.

Wilson, W. T.

Wyse,

Weatherley,

Wallace, W. H.

Wallace, Wm.

Wagener,

Williams,

Winsmith,

Youmans.

Those who voted in the negative are

Messrs. Aldrich,

Brabham,

Messrs. Whetstone,

So the Ordinance was passed, and referred to the Engrossing Committee.

Mr. WILLIAM WALLACE introduced the following resolution :

Whereas, by the fortunes of war, our former noble and beloved Chief Magistrate, Jefferson Davis, is now languishing in prison, awaiting his trial for treason; and whereas, the fanatics of the North, not satisfied with the wide-spread ruin and desolation which they have caused, are shrieking for his blood.

*Resolved*, That it is the paramount duty of South Carolina, who led the way in our late struggle for independence, and for which struggle he is now suffering, to use every lawful means in her power to avert the doom which threatens him.

*Resolved*, That to this end, a deputation of members of this body be sent to the city of Washington, in behalf of the people of South Carolina, to ask of his Excellency the President of the United States, to extend to the Hon. Jefferson Davis that clemency which he has shown to us, who are equally the sharers of his guilt, if guilt there be, and which is accomplishing so much towards restoring the peace and harmony of the Union.



FRIDAY, SEPTEMBER 15.

Mr. CONNOR offered the following as an amendment ; which was accepted by Mr. William Wallace :

*Resolved*, That it be referred to a Committee of Three, to draft memorials to be addressed, by this Convention, to His Excellency the President of the United States, requesting Executive clemency for Jefferson Davis, the late President, and A. H. Stephens, the late Vice-President of the Confederate States ; for A. G. Magrath and Geo. A. Trenholm, citizens of this State, now prisoners of State.

Whereupon, the PRESIDENT appointed the following Members of the Committee : Messrs. Connor, William Wallace and Rose.

Mr. F. W. PICKENS introduced the following resolution ; which was referred to the Committee on Ordinances and Resolutions :

*Resolved*, That it be referred to the Committee on Ordinances and Resolutions, to inquire and report on the propriety of sending a competent agent to Washington, to ascertain from the President what is the condition of the lands called "Abandoned Lands" in this State, and how long it will be before the owners of such lands will be restored to the possession of their property.

Mr. WINSMITH introduced the following resolution ; which was referred to the Committee on the Amendments to the Constitution :

Whereas, Negro slavery has been abolished by the proclamations of the President of the United States and the military authorities of the same : Be it, therefore,

*Resolved*, That neither negro slavery nor involuntary servitude shall hereafter exist in this State, except as a punishment for crime, of which the party shall have been duly convicted by law. And it shall be the duty of the Legislature to pass such laws as will finally carry into effect the foregoing Ordinance.

Mr. McGOWAN introduced the following resolution ; which was referred to the Committee on the Legislative Department :

#### QUALIFICATIONS OF VOTERS.

In an election to be made by the people of the State, or of a District thereof, every voter shall have the following qualifications, viz :



He shall be a free white man, who has attained to the age of twenty-one years, and is not a pauper, a non-commissioned officer or private soldier of the Army of the United States. He shall have been a citizen of the United States and of this State for at least two years next preceding the day of election, and shall have resided during that time in this State, and during the last six months thereof in the District in which he offers to vote; or in lieu of the said six months' residence, shall have been legally seized and possessed for at least six months next preceding the day of election, of a freehold in lands worth at least five hundred dollars.

Every person shall be considered a white person who has of Caucasian blood seven-eights or more.

The Legislature shall provide for the decision of questions of caste, and of all questions concerning the right of suffrage; and may guard against frauds and usurpations of the right of suffrage, by requiring a registry of voters and by other suitable means; and may impose disqualification to vote in punishment for crime or for blamable illiteracy.

Also, introduced the following resolution; which was referred to the Committee on the Amendments to the Constitution:

The emancipation of slaves having actually taken place, slavery shall not hereafter be re-established in this State.

Also, introduced the following resolution; which was referred to the Committee on the Legislative Department:

No person shall be subject, for the same offence, to be twice put in jeopardy of life or limb; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property without due process of law.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Every law or resolution having the force of law, shall relate to but one subject, and that shall be expressed in the title.

Also, introduced the following resolution; which was referred to the Committee on the Judiciary Department:

All laws now of force in this State, not repugnant to this Constitution,



FRIDAY, SEPTEMBER 15.

shall continue of force until they may be altered or repealed by the Legislature, or shall respectively expire by their own limitation. The term *laws* here used, shall embrace all Acts of the Legislature, whether passed before or since the twentieth day of December, A. D. 1860. All Acts, Ordinances, and parts of Acts or Ordinances, whose duration was limited to the "continuance of the war between the United States and the Confederate States," by that or any equivalent form of expression, and all regulations which contemplated the existence of such a war, shall be considered to have expired on the tenth day of May, A. D. 1865.

All proceedings, legislative, executive, judicial, ministerial or official, all acts of officers or agents, all contracts entered into, instruments of writing executed and matters transacted, before or since the twentieth day of December, A. D. 1860, which were legal and valid under the *de facto* Government, whether State, Confederate or Federal, which subsisted in this State at the times when they respectively were had, done, entered into, executed or transacted, shall in all cases and questions that may be hereafter presented for adjudication, be held to have been legal and valid.

All officers and appointees, in this State, now in office, shall continue in office until their terms of office respectively expire, or they be superseded according to the provisions of this Constitution.

Mr. INGLIS introduced resolutions as to the amendment to the Constitution of the United States; which were referred to the Committee on Ordinances and Resolutions.

The Ordinance introduced yesterday, by Mr. Inglis, to declare in present force the Constitution and Laws heretofore in force in this State, and the Acts, official, public and private done, and the appointments and elections made under authority of the same, was referred to the Committee on the Judiciary Department.

The resolution introduced yesterday by Mr. Rion, proposing a section for the Constitution, was referred to the Committee on Ordinances and Resolutions.

The first and third of the series of resolutions introduced by Mr. Sullivan, yesterday, were referred to the Committee on Ordinances and Resolutions.

The second to the Committee on the Executive Department.

The fourth to the Committee on Amendments to the Constitution.

The fifth to the Committee on the Judiciary Department.



The first, second, third and eighth resolutions of the series of resolutions introduced by Mr. Orr, yesterday, were referred to the Committee on the Executive Department.

The fourth, fifth, sixth and seventh, were referred to the Committee on the Legislative Department.

The ninth to the Committee on the Judiciary Department.

The tenth, eleventh, twelfth and thirteenth to the Committee on Amendments to the Constitution.

The "Ordinance to Abolish Slavery in this State," introduced yesterday by Mr. Inglis, was referred to the Committee on Ordinances and Resolutions.

Mr. BYRD asked and obtained leave to record the vote he would have given, if present, on passing the "Ordinance to Repeal the Ordinance of Secession."

And Mr. Byrd, being called, answered "Aye."

Mr. CONNER introduced the following resolution :

*Resolved*, That this Convention will restrict itself to such action as is essential to restore the State to her former position in the Federal Union; so such remodelling of the State Constitution as is necessary to adapt it to the changes growing out of the Emancipation Proclamation, and to restore it with those modifications to its condition prior to the Act of Secession; and to such proceedings as are necessary to call into existence the State Government, with the powers exercised by it prior to the Ordinance of Secession.

Mr. TILLMAN moved to lay the resolution on the table. And the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 53; nays, 52.

The yeas and nays were requested, and are as follows:

These who voted in the affirmative are

Hon: D. L. WARDLAW, President, and

Messrs. Ball,  
Bolling,  
Boozer,  
Boyce,

Messrs. Beatty,  
Boyd,  
Bryce,  
Bull,



FRIDAY, SEPTEMBER 15.

Messrs. Byrd,  
 Barnett,  
 Dudley,  
 Evans,  
 Farrow,  
 Fox,  
 Frierson,  
 Goodwyn, A. D.  
 Hemphill,  
 Hammond,  
 Herndon,  
 Inglis,  
 Jones,  
 Johnson,  
 Lee,  
 Lake,  
 Melton,  
 Milling,  
 Mobley,  
 McMaster,  
 McMichael,  
 Moore,

Messrs. Moses,  
 Muldrow,  
 Norwood,  
 Orr,  
 Porry,  
 Pickens, F. W.  
 Pickens, W. S.  
 Robertson,  
 Reed,  
 Reaves,  
 Ross,  
 Skipper,  
 Sims,  
 Sullivan,  
 Summer,  
 Stewart,  
 Thomson, Thos.  
 Tillman,  
 Wilson, John  
 Wylio.  
 Weatherloy,  
 Winsmith,

Those who voted in the negative are

Messrs. Aldrich,  
 Andrews,  
 Blair,  
 Bratton,  
 Brabham,  
 Carlisle,  
 Campbell,  
 Cannon,  
 Chisolm,  
 Conner,  
 Coogan,  
 Dawkins,  
 DeLettre,  
 Dunovant,  
 DuPre,

Messrs. Dozier,  
 Frost,  
 Furman,  
 Fishburne,  
 Goodwyn, T. J.  
 Gilliland,  
 Gaillard,  
 Gourdin,  
 Hearst,  
 Henery,  
 Huger,  
 James,  
 Keenan,  
 Lesesne,  
 McCauley,



Messrs. McDuffie,  
McIver,  
Martin,  
Morrison,  
Morgan,  
Macbeth,  
Melchers,  
Porter,  
Richardson,  
Rion,  
Rose,

Messrs. Sheridan,  
Smart,  
Sinionton,  
Selnicrle,  
Wilson, W. T.  
Wallace, Wm.  
Wallace, W. H  
Wagener,  
Williams,  
Whetstone,  
Youmans.

So the resolution was ordered to lie on the table.

**Mr. TILLMAN** introduced the following resolutions ; which were referred to the Committee on Amendments to the Constitution :

*Resolved*, That the following clause shall be incorporated in the Constitution of this State :

That every Charter or Act of Incorporation which may be hereafter granted or renewed, and every amendment of existing Charters or Acts of Incorporation which may be hereafter granted by the General Assembly of this State, shall, at all times, be subject to repeal, alteration or amendment by the General Assembly.

*Resolved*, That the Constitution of the State should be altered and amended, so that :

1st. There shall be thirty-one Election Districts, formed by constituting each Judicial District an Election District, with the same boundaries and the same names, except the Judicial District of Charleston, which shall be divided into two Election Districts by consolidating the Parishes of St. Philip and St. Michael into one Election District, to be called "the City of Charleston," and by consolidating the remaining Parishes of said Judicial District into another Election District, to be called "the Election District of Charleston."

2d. The number of Senators shall be thirty-one, to wit : one Senator for each Election District ; and the number of Representatives shall be one hundred and twenty-four. The basis of representation in the House shall be a joint one of taxation and white population as now provided by law, and Representatives shall be apportioned among the several Election Districts, as heretofore provided, that each Election District shall always have at least one Representative. And provided, also, That no Election District



FRIDAY, SEPTEMBER 15.

shall ever be allowed, at any future apportionment, more than twelve Representatives.

On motion of Mr. ORR, the Convention proceeded to the consideration of Message No. 1 of the Governor, which had been made the Special Order of the Day for this day, at 1 o'clock P. M.

Mr. ORR introduced the following resolutions; which were agreed to:

*Resolved*, That so much of the Message of His Excellency Governor Perry, as relates to the abolition of slavery in this State, to the Treasury Department, and to the offices of Secretary of State and Surveyor-General, be referred to the "Committee on the General Articles of the Constitution."

*Resolved*, That so much as relates to the basis of representation in the Senate, the Parish system, the matter of suffrage, to voting *viva voce* in elections by the Legislature, and to the election of members of the Legislature at an early day, be referred to the "Committee on the Legislative Department of the Constitution."

*Resolved*, That so much as relates to the election of Governor by the people, to the appointment of District officers by the Governor, and to the office of Lieutenant-Governor, be referred to the "Committee on the Executive Department of the Constitution."

*Resolved*, That so much as relates to the election of Presidential Electors by the Legislature, and to the Legislative, Executive and Judicial Acts of the State since its secession, be referred to the "Committee on Ordinances and Resolutions."

*Resolved*, That so much as relates to the sitting of the Court of Appeals exclusively in Columbia, be referred to the "Committee on the Judicial Department of the Constitution."

*Resolved*, And that so much as relates to defraying the expenses of the Convention, be referred to the "Committee on Ways and Means."

Mr. MELTON introduced the following resolution, the consideration of which was postponed until Monday next:

*Resolved*, That the Constitution of South Carolina, adopted April 8, 1861, be made the Special Order of the Day for Monday next, at 1 o'clock P. M., and that all proposed Ordinances or Resolutions involving alterations or amendments thereto, be printed, appending to each the name of the mover.



On motion of Mr. ORR, it was

*Ordered*, That when this Convention adjourns, it be adjourned to meet to-morrow, at 12 o'clock M.

Mr. MACBETH introduced the following resolution ; which was referred to the Committee on Amendments to the Constitution :

*Resolved*, That the Constitution of this State shall be amended, so that all taxes hereafter levied shall be levied on the netual value of the property.

Mr. CONNER introduced the following resolution ; which was referred to the Committee on the Legislative Department :

Every free white man, of the age of twenty-one years; (paupers, non-commissioned officers and privates in the Army and Navy of the United States excepted,) being a citizen of the United States, or a foreigner, who had declared his intention of becoming a citizen of the United States according to law, and having resided therein two years immediately previous to the day of election, and six months in the Election District where he offers to vote and has his home and residence, shall have a right to vote at elections in this State. Nor shall temporary absence, being less than six months, with intention to return, debar or impair the right of a voter in this State.

Mr. MELTON introduced the following resolution ; which was agreed to :

*Resolved*, That the Engrossing Committee be authorized to employ one or more Clerks, as may be found necessary.

Mr. WAGENER introduced the following resolution ; which was referred to the Committee on Amendments to the Constitution :

*Resolved*, That the State should by all means foster and promote internal improvements, arts and mechanical industry, and should never make laws to restrain her Legislative bodies from affording aid and encouragement to the same.



SATURDAY, SEPTEMBER 16.

On motion of Mr. THOMPSON, the Convention was adjourned at fifteen minutes past 4 o'clock P. M.

JOHN T. SLOAN,  
Clerk of the Convention.

SATURDAY, SEPTEMBER 16, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair, and the proceedings were opened with prayer by Rev. Mr. Ross.

The Clerk called the roll, and the following Delegates answered to their names:

Messrs. Aldrich,

Andrews,

Ball,

Blair,

Black,

Bolling,

Boozer,

Bratton,

Boyce,

Beatty,

Boyd,

Brailsford,

Bryce,

Brabham,

Byrd,

Barnett,

Carlisle,

Campbell,

Cannon,

Chisolm,

Coogan,

Messrs. Dunovant,

Dupre,

Dunkin,

Dozier,

Evins,

Farrow,

Fox,

Frierson,

Frost,

Furman,

Fishburne,

Goodwyn, A. D.

Goodwyn, T. J.

Gillard,

Gaillard,

Hampton,

Hearst,

Hemphill,

Hammond,

Herndon,

Henry,



## JOURNAL OF THE CONVENTION,

39

Messrs. Inglis,	Poole,
James,	Porter,
Jones,	Ravenel,
Johnson,	Richardson,
Keenan,	Rion,
Lee,	Robertson,
Latimer,	Reed,
Lynch,	Reaves,
McDuffie,	Rose,
McGowan,	Ross,
McIver,	Skipper,
Martin,	Sims,
Melton,	Sullivan,
Mills, Jr.,	Summer,
Milling,	Stewart,
Mobley,	Sheridan,
Morrison,	Smart,
McMaster,	Simonton,
McMichael,	Schnierle,
Morgan,	Thomson,
Moses,	Tillman,
Macbeth,	Wilson, John
Melchers,	Wilson, W. T.
Muldrow,	Weatherly,
Norwood,	Wallace, W. H.
Orr,	Wagener,
Perry,	Williams,
Pickens, F. W.	Winsmith,
Pickens, W. S.	Whetstone.

The Journal of yesterday's proceedings was read.  
The following additional Delegates appeared, exhibited their credentials,  
and enrolled their names as Members of the Convention:

*From St. Philip and St. Michael*—Mr. William Ravenel.

*From Winyaw*—Mr. B. F. Dunkin.

Mr. BOYCE presented the credentials of the Delegate from the Parish  
of St. Helena, which, on motion of Mr. BOYCE, was referred to a Special  
Committee of Three.



SATURDAY, SEPTEMBER 16.

Whereupon the President announced the following members of the Committee: Messrs. Perry, Gourdin, Ball.

Mr. BLACK asked and obtained leave to record the vote he would have given, if present, on the passage of an Ordinance to repeal the Ordinance of Secession; and Mr. Black being called, answered aye.

Mr. MOSES, from the Committee on the Judicial Department, made a report on so much of the Governor's Message as relates to the sittings of the Court of Appeals; which was ordered to be laid on the table and to be printed.

Mr. FROST gave notice that, on Monday next, he will offer certain amendments to the 6th Rule of the Convention.

Mr. BOLLING offered the following resolution; which was ordered to be laid on the table:

*Resolved*, That a Committee of Twelve, composed of two from each Congressional District, be appointed by the President of this Convention, to inquire and report to this Convention what number of Representatives it will be proper, according to the present law of the United States, that this State shall tender to the approaching Congress of the United States.

And that the Committee be authorized to construct the Congressional Districts accordingly.

Mr. DAWKINS, from the Committee on Ordinances and Resolutions, made a report on a resolution to restore political relations with the State.

On motion of Mr. DAWKINS, the Committee was discharged, and the same was referred to the Committee on Amendments to the Constitution. Also, made a report on.

An Ordinance to declare slavery abolished in this State, and on other papers referred on the same subject; which was ordered for consideration on Monday next. Also, made a report on.

A resolution in relation to Electors of President and Vice-President of the United States; which was ordered for consideration on Monday next.

Mr. FROST introduced the following resolution; which was referred to the Committee on Ordinances and Resolutions:

*Resolved*, That the Provisional Governor be authorized and requested to appoint an agent to proceed to Washington, and remain there, whose duty it shall be to represent, with the President and the departments, the interests of the State, and give aid to the citizens of the State in advancing



with the proper authorities the relief that may be sought in applications for pardon, and for the restitution of their real and personal property.

Mr. MACBETH introduced the following resolution; which was referred to the Committee on the Judiciary Department:

*Resolved*, That hereafter colored persons and negroes shall be permitted to testify in all the Courts of this State in all cases where the rights of persons, or of property of such persons, may be concerned.

Mr. HAMMOND introduced the following resolutions; which were referred to the Committee on Ordinances and Resolutions:

Inasmuch as a fundamental difference of opinion in reference to the character, powers and policy of the Government of the United States and of the State Governments, which existed in the Convention which framed the Constitution, and, after more than three-quarters of a century of political contest, resulted in a bloody and exhausting war; and, whereas, when people draw the sword, appealing to the last and highest tribunal known to man, they should abide by its decisions in good faith; and, whereas, it is neither wise nor politic in the people of the South to continue any longer a contest in which they have been twice defeated—once by political majorities and once by the sword; therefore, we, the people of South Carolina, in Convention assembled, accept, as the results of the war, the principles embraced in the following resolutions, and will sustain them fully and faithfully as a national policy:

1. *Resolved*, That the Union is the first and paramount consideration of the American people.

2. *Resolved*, That sovereignty, a unit absolute and indivisible, which, in all nations, must exist somewhere, resides in the American people, and its authorized representative within the limits of the organic law—the Constitution—is the Federal Government.

3. *Resolved*, That it is an incontrovertible fact that slavery has ceased to exist through the exercise of the military power of the Federal Government, and that any attempt by us to revive it would be impolitic, unwise, and, not only futile, but disastrous.

4. *Resolved*, That it is the true policy of the American people to confine the General Government strictly within the limits of the Constitution, and to acknowledge theinalienable right of each State to regulate its own affairs in its own way.



5. *Resolved*, That the late war was not out of an oppressed people against tyranny; but arose from an apprehension, on the part of the weaker section, of oppression and tyranny in the future; and was carried on under an honest conviction, co-existent among statesmen in every part of the country, with the adoption of the Constitution itself, that a State had the reserved right to revoke the powers it had delegated to the General Government, whenever, in the judgment of such State, there might be danger that those powers would be used to its disadvantage. The war, therefore, not having been strictly in the nature of rebellion or insurrection, we most respectfully suggest to His Excellency the President, the Justice and wisdom of not enforcing the pains and penalties affixed to those crimes by the laws of the United States.

6. *Resolved*, That we endorse the acts of President Johnson's administration, and will cordially support its wise and patriotic efforts to restore to the whole country the blessings of peace.

Mr. DUDLEY, from the Committee on Amendments to the Constitution, made a report.

On sundry resolutions as to the mode of election of Treasurer, Comptroller-General and Secretary of State, and resolutions by Mr. Orr, indicated by Nos. 10, 11, 12 and 13 of series.

So much as relates to resolutions Nos. 12 and 13 was recommitted to the Committee, with instructions to report articles and sections for the Constitution, in accordance with the suggestions of the report; and the remainder of the report was ordered for consideration on Monday next.

Mr. SMART introduced the following resolutions; which were referred to the Committee on Ordinances and Resolutions:

1. *Resolved*, That we earnestly recommend to the citizens of this State the immediate formation in each District of a force of citizen militia, to act in concert with the United States troops as a general police for the District in which they are raised; to the end that order and civil authority may be restored and enforced.

2. *Resolved*, That the forces thus raised shall, as soon as their organization is completed, report through the proper channel to the officer commanding the United States troops garrisoning their District, and be subject to his order and direction.

3. *Resolved*, That his Excellency the Governor be requested to prescribe such organization and adopt such measures as in his judgment shall be necessary to carry out the above, and to urge on the United States authori-



ties the acceptance of such organization in lieu of the colored garrisons now on duty.

Mr. LESESNE, from the Committee on the Judiciary Department, made a report on

An Ordinance to declare in present force the Constitution and laws heretofore in force in this State, and the acts, official, public and private done, and the appointments and elections made under authority of the same; also, on sundry resolutions on the same subject; which was ordered for consideration on Monday next.

Mr. F. W. PICKENS introduced the following sections to the Bill of Rights; which was referred to the Committee on Amendments to the Constitution:

#### BILL OF RIGHTS.

1. All power is originally vested in the people, and all free governments are founded on their consent and authority, and are instituted for their peace safety and happiness.

2. No free citizen of this State shall be taken, or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers; or by the law of the land; nor shall any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, ever be passed by the Legislature of this State.

3. The military shall be subordinate to the civil power.

4. Excessive bail shall not be required, nor excessive prices imposed, nor cruel punishments inflicted.

5. The trial by jury of free citizens, as heretofore used in this State, and the liberty of the press, shall be forever inviolably preserved.

6. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever hereafter be allowed within this State to all mankind: *Provided*, That the liberty of conscience thereby declared shall not be construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the State.

7. The rights, privileges, immunities and estates, both of civil and religious societies, and of corporate bodies, shall remain as if the Constitution of this State had not been altered or amended.

MR. PERRY introduced the following declaration of the rights to be



SATURDAY, SEPTEMBER 16.

incorporated in the Constitution ; which was referred to the Committee on Amendments to the Constitution :

## CONSTITUTION OF SOUTH CAROLINA.

*We, the Delegates of the People of the State of South Carolina, in General Convention met, do ordain and establish this Constitution for its government.*

## ARTICLE I.

## DECLARATION OF RIGHTS.

SEC. 1. All power is inherent in the people, and all free governments are founded in their authority and instituted for their benefit. The people, therefore, have an inalienable and indefeasible right to institute government, and to alter, reform or totally change the same, when their safety and happiness require it.

SEC. 2. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained, in his person, liberty or estate, for worshiping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments ; provided, he does not disturb the public peace, nor obstruct others in their religious worship.

SEC. 3. No laws shall be passed respecting an establishment of religion, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the Legislature for a redress of grievances.

SEC. 4. The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures ; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

SEC. 5. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger, or in cases of impeachment, or in such cases of offence as are usually cognizable by a justice of the peace.



SEC. 6. No person shall be subject for the same offence to be twice put in jeopardy of life or limb ; nor shall be compelled in any criminal case to be a witness against himself, nor to be deprived of life, liberty or property, without due process of law ; nor shall private property be taken for public use without just compensation.

SEC. 7. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the District wherin the crime shall have been committed, and to be informed of the nature and cause of the accusation, and have a copy thereof ; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

SEC. 8. No person shall be taken or imprisoned, or deprived of his freehold, liberties or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or by the laws of the land ; nor shall any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, ever be passed by the Legislature of this State.

SEC. 9. The trial by jury as heretofore used in this State, and the liberty of the press, shall be forever inviolably preserved.

SEC. 10. Excessive bail shall not be required ; nor excessive fines imposed ; nor cruel and unusual punishments inflicted ; nor the writ of *habeas corpus* suspended, except in cases of rebellion or invasion, when the public safety may require it.

SEC. 11. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for any longer term than during good behavior.

SEC. 12. The military shall be subordinate to the civil power, and every citizen has a right to keep and bear arms for the common defence, and this right shall never be questioned.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant ; nor in time of war but in a manner to be prescribed by law.

SEC. 14. Every person, for an injury done him in his person, reputation, property, or immunities, shall have remedy by due course of law, and right and justice shall be administered freely and without sale, completely and without , promptly and without delay.



SATURDAY, SEPTEMBER 16.

SEC. 15. In all civil suits, and in all controversies concerning property, the parties shall have a right to trial by jury, except in cases where it has been heretofore otherwise practiced, the parties may be heard by themselves and counsel, or either, at their election.

SEC. 16. No tax or duty shall be imposed without the consent of the people, or their Representatives in the Legislature.

SEC. 17. Slavery and involuntary servitude are hereby abolished in South Carolina, and shall not again exist in the State, except as a punishment for crime, whereof the party shall have been duly convicted.

SEC. 18. The enumeration of certain rights shall not impair nor deny others retained by the people.

Mr. DUNOVANT introduced the following resolution; which was referred to the Committee on Ordinances and Resolutions:

Whereas, the President of the United States has, by proclamation, declared that slavery is forever abolished within the limits of the sovereign State of South Carolina; and whereas, this Convention is powerless to add to or subtract from the force of the said proclamation; and whereas, good conscience and a sound public policy bids us to give every constitutional support to the proclamation aforesaid; and whereas, the Constitution of the United States provides for its own amendments; and whereas, the Congress of the United States has, as provided for in the Constitution, proposed an amendment to the Constitution of the United States in reference to the institution of slavery, which proposition has been referred not to Conventions in the States, but to the Legislature of the States. Be it therefore

*Resolved*, That all propositions relating to the subject of slavery, are hereby referred to the Legislature of this State.

Mr. ORR introduced an Ordinance to divide Pickens District into two Election and Judicial Districts; which was referred to the Committee on Ordinances and Resolutions.

Mr. WINSMITH introduced the following resolutions; which were referred to the Committee on the Legislative Department:

*Resolved*, That the General Assembly of South Carolina, consisting of a Senate and House of Representatives, shall be constituted as follows:

1st. Each Judicial District of the State, as now constituted, shall be an Election District, and that each such Election District shall be entitled to one Senator in the General Assembly of South Carolina.



2d. The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several Election Districts of the State, according to the number of white inhabitants, and the amount of all taxes raised by the Legislature, one Representative to be allowed for every sixty-second part of the whole number of white inhabitants, and one Representative for every sixty-second part of the whole taxes raised by the State: *Provided*, That each Election District shall be entitled to at least one Representative: *And provided further*, That no Election District shall ever be entitled to more than one-twelfth part of the whole number of Representatives.

Mr. REED introduced the following resolution; which was referred to the Committee on Amendments to the Constitution:

*Resolved*, That so much of section two, article nine, of the Constitution of the State as provides that no *ex post facto* law or laws impairing the obligation of contracts shall ever be passed by the Legislature of the State, be so altered and amended that it shall not be understood to affect the validity of any law heretofore passed, or now of force in this State.

On motion of Mr. ORR, it was

*Ordered*, That when this Convention adjourns, it be adjourned to meet on Monday next, at 12 o'clock M.

On motion of Mr. ORR, the Convention was adjourned at 2 o'clock P. M.

JOHN T. SLOAN,  
Clerk of the Convention.

MONDAY, SEPTEMBER 18, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair, and the proceedings were opened with prayer by Rev. Mr. Martin.

The Clerk called the roll, when the following members answered to their names:



MONDAY, SEPTEMBER 18.

Messrs. Ball,  
 Blair  
 Black,  
 Bolling,  
 Boozer,  
 Boyce,  
 Beatty,  
 Boyd,  
 Brailsford,  
 Bryce,  
 Brabham,  
 Byrd,  
 Barnett,  
 Carlisle,  
 Campbell,  
 Cannon,  
 Chisolm,  
 Conner,  
 Coogan,  
 DeLettre,  
 Dunnivant,  
 Dudley,  
 DuPre,  
 Dunkin,  
 Dozier,  
 Evins,  
 Farrow,  
 Fox,  
 Frierson,  
 Frost,  
 Fishburne,  
 Goodwyn, A. D.  
 Gilliland,  
 Gaillard,  
 Gourdin,  
 Hearst,  
 Hemphill,  
 Hammond,  
 Herndon,  
 Huger,

Messrs. James,  
 Jones,  
 Johnson,  
 Keenan,  
 Lee,  
 Lesesne,  
 McCauley,  
 McDuffie,  
 McGowan,  
 McIver,  
 Melton,  
 Mills, Jr.  
 Milling,  
 Mobley,  
 McMaster,  
 McMichael,  
 Moore,  
 Morgan,  
 Morrison,  
 Moses,  
 Macbeth,  
 McElhers,  
 Muldrow,  
 Norwood,  
 Orr,  
 Perry,  
 Pickens, F. W.  
 Pickens, W. S.  
 Porter,  
 Ravenel,  
 Richardson,  
 Rion,  
 Robertson,  
 Reed,  
 Reaves,  
 Rose,  
 Ross,  
 Skipper,  
 Sims,  
 Summer,



## JOURNAL OF THE CONVENTION.

49

Messrs. Stewart,  
 Sheridan,  
 Simonton,  
 Schnicke,  
 Thomson,  
 Tillman,  
 Taylor,  
 Wilson, John  
 Wilson, W. T.

Messrs. Wyllie,  
 Weatherley,  
 Wallace, W. H.  
 Wallace, Wm.  
 Wagener,  
 Williams,  
 Winsmith,  
 Whetstone,  
 Youmans.

The Journal of yesterday's proceedings was read.  
 The following additional Delegatō appeared, exhibited his credentials, and enrolled his name as a Member of the Convention :

*From Greenville*—Mr. J. P. Latimer.

Mr. FRIERSON, from the Committee on Amendments to the Constitution, made a report on resolution to restore political relations with the United States ; which was ordered for consideration to-morrow.

Mr. BOYCE, from the Committee on the Legislative Department, made a report on resolution of inquiry as to the propriety of requiring only biennial meetings of the State Legislature ; which was ordered for consideration to-morrow.

On motion of Mr. McGOWAN, the Committee on the Legislative Department was discharged from the further consideration of certain resolutions appropriate to the Bill of Rights, and the same was referred to the Committee on Amendments to the Constitution.

Mr. WINSMITH, from the Committee on Ordinances and Resolutions, made a report on resolutions in relation to appointing an agent to go to Washington for certain purposes ; which was agreed to.

Mr. INGLIS introduced the following resolution ; which was considered immediately and was agreed to :

*Resolved*, That the Committee on the Legislative Department be instructed to inquire and report on the propriety of so changing several sections of the Article in the Constitution on the Legislative Department, as to omit any property qualification for a seat in the House of Representatives, to insure that the requirement of qualifications for the Senate and House shall cover the whole term of office for which the party shall be elected, to dispense with any restriction in the mode of the election of its officers by



MONDAY, SEPTEMBER 18.

each House, and to provide for the present rate of compensation to the members for their expenses.

Mr. INGLIS, from the Committee on the Legislative Department, made a report on resolution in reference to the Qualifications of Voters; which was ordered for consideration to-morrow. Also;

Made a report on various matters referred; which was ordered for consideration to-morrow.

Mr. ROBERTSON introduced the following resolutions; which were considered immediately:

*Resolved*, That the pay and mileage of the Members of this Convention shall be five dollars a day for their attendance thereon, and twenty cents for each mile, (by the usual route of travel,) in coming to and returning from the Convention.

*Resolved*, That the pay of the Clerk, Messenger and Door-keeper of this Convention shall be the same *pro rata* as paid to similar officers of the House of Representatives of this State.

*Resolved*, That the President of the Convention appoint a Cashier and Assistant Cashier to prepare pay bills for members and officers.

*Resolved*, That it be referred to the Committee of Ways and Means to provide for the payment of the members and officers of this Convention, as indicated in the above resolutions.

The first, third and fourth of the series were agreed to; the second was referred to the Committee of Ways and Means, with instructions to report the amount of salaries under the resolutions and to include the Solicitors and Attorney-General.

Whereupon the President announced Mr. Youmans, Cashier, and Mr. Smart, Assistant Cashier.

Mr. ORR, from the Committee on the Executive Department, on resolutions and other matters referred, made a report; which was ordered for consideration to-morrow.

Mr. ALDRICH, from the Committee on the Executive Department, made a report of certain members of the Committee in relation to the powers of said Committee; which was ordered for consideration to-morrow.

Mr. ROBERTSON, from the Committee on Amendments to the Constitution, made a report on resolution as to holding popular elections for Federal, State or Municipal, to be held on one and the same day; which was ordered for consideration to-morrow.

On motion of Mr. MOSES, the Committee on the Judicial Department was discharged from the further consideration of a resolution as to sittings



of Courts of Appeals and for the Correction of Errors, and the same was ordered to be laid on the table.

Mr. MOSES introduced the following resolution; which was agreed to:

*Resolved*, That it be referred to the Committee on "Amendments to the Constitution," &c., to inquire into and report on the propriety of so amending the Constitution as to substitute for the word "Districts," wherever it occurs in that instrument, the word "Counties;" and for the word "District," the word "County;" with leave to report by Ordinance or otherwise.

Mr. PERRY, from the Special Committee to whom was referred the election return from St. Helena Parish, made a report; which was considered immediately. And the question being put, will the Convention agree to the report? it passed in the affirmative.

The yeas and nays were requested, and are as follows:

Yea, 36; nays, 53.

Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

Messrs. Andrews,

Ball,  
Barnett,  
Beatty,  
Black,  
Blair,  
Bolling,  
Boozer,  
Boyd,  
Bryce,  
Bull,  
Cannon,  
Coogan,  
Dawkins,  
Dudley,  
Dunkin,  
Farrow,  
Fox,  
Frierson,  
Frost,

Messrs. Gaillard,

Gilliland,  
Gourdin,  
Hempkill,  
Henery,  
Huger,  
Keenan,  
Latimer,  
Lee,  
Lesesne,  
Melechers,  
Melton,  
Milling,  
McCauley,  
McGowan,  
Mobley,  
Moore,  
Morrison,  
Moses,  
Muldrum,



MONDAY, SEPTEMBER 18.

## Messrs. Norwood,

Orr,  
Perry,  
Pickens, F. W.  
Pickens, W. S.  
Ravenel,  
Reed,  
Ross,

## Messrs. Summer,

Thomson,  
Tillman,  
Waggoner,  
Weatherley,  
Williams,  
Wylie.

Those who voted in the negative are

## Messrs. Aldrich,

Boyce,  
Brabham,  
Brailsford,  
Bratton,  
Byrd,  
Campbell,  
Carlisle,  
Chisolm,  
Conner,  
DeLettro,  
Dozier,  
Dunavant,  
DuPre,  
Evins,  
Fishburne,  
Furman,  
Goodwyn, A. D.  
Goodwyn, F. J.  
Hammond,  
Hearst,  
Herndon,  
Inglis,  
James,  
Johnson,  
Jones,  
Macbeth,

## Messrs. Mills, Jr.

McDuffie,  
McMaster,  
McMichael,  
Morgan,  
Porter,  
Reaves,  
Richardson,  
Rion,  
Robertson,  
Roso,  
Schnierle,  
Sheridan,  
Skipper,  
Simonton,  
Sims,  
Smart,  
Sullivan,  
Taylor,  
Wallace, Wm.  
Wallace, W. H.  
Whetstone,  
Wilson, John  
Wilson, W. T.  
Winsmith,  
Younans.

So the report was agreed to.



Whereupon, Mr. J. G. Thompson, a delegate from St. Helena, appeared and enrolled his name as a member of the Convention.

Mr. FARROW introduced the following section for the Bill of Rights ; which was referred to the Committee on Amendments to the Constitution : - Voters shall, in all cases except treason, felony or breach of the peace, be free from arrest in going to, during their attendance at, and in returning home from, elections.

On motion of Mr. DUDLEY, the Committee on Ordinances and Resolutions was discharged from the further consideration of the resolutions as to the division of the State into Election Districts, &c. : and the same was referred to the Committee on the Legislative Department. Also,

From the further consideration of a resolution as to the further existence of slavery in this State, and the resolution was ordered to be laid on the table. Also,

From the further consideration of a resolution as to slavery having ceased to exist and should not be re-established in this State; and the resolution was ordered to be laid on the table. Also,

Made a report on a resolution, directing that in elections by the Legislature, the voting should be *ratio vocis*. Also,

On a resolution declaring the policy of the State as to the encouragement of internal improvements, arts and mechanical industry ; which were severally ordered for consideration to-morrow.

Mr. DAWKINS, from the Committee on Ordinances and Resolutions, made reports

On resolution as to the proposed amendment to the Constitution of the United States ; which was considered immediately, and was agreed to. Also,

On resolution proposing to refer all matters on the subject of slavery to the Legislature. Also,

On an Ordinance to divide Pickens District into two Election and Judicial Districts ; which were severally ordered for consideration to-morrow.

On motion of Mr. ROBERTSON,

*Ordered*, That when this Convention adjourns, it be adjourned to meet to-morrow, at 11 o'clock A. M.

Mr. MACBETH, from the Committee on Amendments to the Constitution, made a report on resolution in relation to equalizing the taxation on property ; which was ordered for consideration to-morrow.

Mr. TILLMAN introduced the following resolution ; which was referred to the Committee on the Legislative Department :



MONDAY, SEPTEMBER 18.

## PROPOSED CLAUSE OF THE CONSTITUTION.

The General Assembly may erect new Judicial Districts, but every such Judicial District shall likewise constitute a new Election District, and shall be entitled to a Senator and Representatives in the General Assembly, upon the same basis as the Election Districts prescribed by this Constitution : *Provided*, That no new Judicial Election District shall be formed of less area than five hundred square miles, nor shall any Judicial or Election District established by this Constitution be reduced below five hundred square miles. At the first general election subsequent to the next appointment of Representatives after the establishment of a new Judicial Election District, such District shall be allowed to choose its Senators and as many Representatives as the General Assembly may direct ; to be taken from the quota or quotas of the Election District or Districts, out of which such new District shall have been erected.

Mr. DUDLEY introduced the following resolution ; which was referred to the Committee on Amendments to the Constitution :

*Resolved*, That hereafter no money shall be appropriated by the Legislature, nor the credit of the State be lent, for internal improvements, or in aid of enterprises of individuals, or corporations, unless it shall have been so determined by a vote of two-thirds of both branches of the whole representation.

On motion of Mr. RION, the Committee on the Legislative Department was discharged from the further consideration of a resolution in relation to appropriating money for internal improvements, &c., and the same was referred to the Committee on Amendments to the Constitution.

Mr. NORWOOD introduced the following resolutions ; which were referred to the Committee on Ordinances and Resolutions :

*Resolved*, That, under existing circumstances, it is the policy of South Carolina to encourage immigration from the North and Europe.

*Resolved*, That, in the opinion of this Convention, the Legislature should, as soon as possible, devise some scheme for inducing and encouraging such immigration.

Mr. HENRY introduced the following resolution ; which was referred to the Committee on Ordinances and Resolutions :



## JOURNAL OF THE CONVENTION,

55

*Resolved*, That the next Legislature be instructed to organize the public schools of this State as soon as practicable after their meeting. Also, that a department for teaching the higher branches of mathematics, together with architectural and mechanical drawing, be connected with one or more of these schools.

On motion of Mr. WILLIAMS, the Convention was adjourned at half-past 4 o'clock, P. M.

JOHN T. SLOAN,  
Clerk of the Convention.

TUESDAY, SEPTEMBER 19, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair, and the proceedings were opened with prayer by Rev. B. M. Palmer, D. D.

The Clerk called the roll, and the following Delegates answered to their names:

Messrs. Aldrich;	Messrs. Bull,
Andreys,	Byrd,
Ball,	Campbell,
Barnett,	Cannon,
Bentley,	Carlisle,
Black,	Chisolm,
Blair,	Coogan,
Bolling,	Conner,
Boozor,	Dawkins,
Boyce,	DeLettre,
Boyd,	Dozier,
Brabham,	Dundley,
Brailsford,	Dunkin,
Bratton,	Dunovant,
Bryce,	DuPro,



TUESDAY, SEPTEMBER 19.

Messrs. Evins,	Messrs. Moses,
Farrow,	Mukdrow,
Fishburne,	Norwood,
Fox,	Orr,
Frierson,	Perry,
Frost,	Pickens, F. W.
Furman,	Pickens, W. S.
Gaillard,	Porter,
Gilliland,	Ravenel,
Goodywn, A. D.	Reaves,
Goodwyn, T. J.	Reed,
Gourdin,	Richardson,
Hammond,	Rion,
Hearst,	Robertson,
Hemphill,	Rose,
Hénery,	Ross,
Herndon,	Schnierle,
Huger,	Sheridan,
Inglis,	Skipper,
James,	Simonton,
Johnson,	Sims,
Jones,	Smart,
Keenan,	Sullivan,
Lattimer,	Sùmmer,
Lee,	Stewart,
Lesesne,	Taylor,
Macbeth,	Thompson, J. G.
Melchers,	Thomson, Thos.
Melton,	Tillman,
Milling,	Wagener,
Milds, Jr.,	Wallace, Wm.
McCauley,	Wallace, W. H.
McDufie,	Weatherly,
McGowan,	Whetstone,
McMaster,	Williams,
McMichael,	Wilson, John
Mobley,	Wilson, W. T.
Moore,	Winsmith,
Morgan,	Wylie,
Morrison,	Youmans.



The Journal of yesterday's proceedings was read.

On motion of Mr. RION, the resolution in relation to the number of Members of Congress, and re-districting the State, was taken up, and was agreed to.

Whereupon, the PRESIDENT announced the following members of the Committee:

Messrs. B. F. Drukin, Weatherly, Gaillard, Bull, Chisholm, Brabham, Boözer, Mills, Jr., Evans, Barnett, Ross, Bratton.

Mr. FARROW, from the Committee on Amendments to the Constitution, made a report on Declaration of Rights; which was agreed to. Also,

On Bill of Rights; which was ordered for consideration to-morrow.

Mr. HERNDON introduced the following resolution; which was referred to the Committee on the Legislative Department:

*Resolved*, That no member elected to either branch of the Legislature of this State shall be allowed to take his seat in the same, until he shall have taken and subscribed, in addition to the oath heretofore required the following oath or affirmation, viz: And I do further swear (or affirm) that I have not gained my election either directly or indirectly by bribery, treating, or any other immoral means whatever.

Mr. ROBERTSON, from the Committee on Amendments to the Constitution, made a report.

On a resolution suggesting a Constitutional provision, that all Charters, or Acts of Incorporation, shall be subject to alteration, amendment or repeal; which was ordered for consideration to-morrow.

Mr. BOELLING introduced the following resolution and proposed amendment for the Constitution:

*Resolved*, That the oath of office, hereafter to be taken by persons elected or appointed to offices of profit or trust within this State, shall be the following, viz:

"I do swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect and defend the Constitution of this State, and of the United States: So HELP ME GOD."



TUESDAY, SEPTEMBER 19.

AMENDMENT PROPOSED.

All persons who shall be chosen or appointed to any office of profit or trust, before entering upon the discharge of the duties thereof, shall take the following oath:

"I do swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed, and will, to the best of my abilities, discharge the duties thereof, and preserve, protect and defend the Constitution of this State, and of the United States. So help me God."

Mr. LESESNE, from the Committee on the Judicial Department, made a report

On resolution in relation to Colored Persons being permitted to testify in certain cases. Also, made a report

On a proposition that the Judges and Chancellors be appointed by the Governor. Also, made a report on

Sundry resolutions relative to the creation of certain Courts; which were severally ordered for consideration to-morrow.

Mr. DUDLEY, from the Committee on Amendments to the Constitution, made reports

On resolutions as to appropriating money or lending the faith and credit of the State. Also,

On resolution as to the office of Treasurer and Secretary of State and Surveyor-General. Also,

On resolution of inquiry as to the propriety of substituting the word "County" for "District," where the latter occurs in the Constitution. Also,

On resolution as to the protection of voters in the exercise of their privilege. Also,

On resolutions declaring the rights of the citizen in certain particulars; which were severally ordered for consideration to-morrow.

Mr. HEMPHILL, from the Committee on Amendments to the Constitution, made a report

On resolution as to the expediency of providing in the Constitution that private property shall not be taken for public use, without just compensation; which was ordered for consideration to-morrow.

Mr. HEARST, from the Committee on Amendments to the Constitution, made a report



## JOURNAL OF THE CONVENTION,

59

On resolution to exempt voters from arrest, &c.; which was ordered for consideration to-morrow.

Mr. DAWKINS, from the Committee on Ordinances and Resolutions, made a report

On resolutions indicating a national policy; which, on motion of Mr. HAMMOND, was made the Special Order of the day for Thursday next, at 2 o'clock P. M. Also, made reports

On resolution as to the policy of the State in encouraging immigration. Also,

On resolution instructing the Legislature to organize Public Schools; which were severally ordered for consideration to-morrow.

Mr. HAMMOND, from the Committee on Ordinances and Resolutions, made a report

On resolutions to raise a police force; which was considered immediately, and was agreed to.

Mr. INGLIS, from the Committee on the Legislative Department, made a report

On resolution as to giving the General Assembly power to divide the Judicial and Election Districts under certain restrictions; which was ordered for consideration to-morrow.

## GENERAL ORDERS.

The Convention proceeded to the consideration of

Report of the Committee on Ordinances and Resolutions on an Ordinance to declare Slavery abolished, and on other papers referred.

Mr. BLAIR moved to amend the Ordinance as follows; which was ordered to be laid on the table:

Amend by striking out all after the words "United States," in the second line of the clause, and by adding the following: "And the legal prohibition of slavery having been declared by the Government of the United States an indispensable antecedent to the resumption of constitutional relations between the State of South Carolina and the United States, it shall be the duty of the Legislature to inquire carefully into the premises, and to confer through a committee with the Government of the United States and ascertain definitely its purposes; and the Legislature shall then have power, at their discretion, to prohibit slavery and involuntary servitude forever in the State of South Carolina; and such prohibition, when made, shall be final and irrepealable.



TUESDAY, SEPTEMBER 19.

And the Legislature shall have power to restrain negroes and persons of color, within the jurisdiction of this State, from engaging in any species of traffic, in any department of labor other than menial service, agriculture, mining, road making and the production of naval stores, and employments incidental to these; and to make all laws necessary or proper to enforce this restriction.

And the Legislature shall have power to make all laws proper or expedient to encourage industry or prevent idleness, vagrancy or crime, among negroes or colored persons, and to declare such laws exclusively applicable to that class of persons.

Mr. RION moved to amend the Ordinance by striking out the clause proposed and to substitute the following:

"The slaves in South Carolina having been *de facto* emancipated by the action of the Federal authorities, neither slavery nor involuntary servitude except as a punishment for crime, whereof the party shall have been duly convicted, shall ever be re-established in this State."

Mr. DUDLEY moved to amend the amendment by striking out and inserting the following:

"Slavery having ceased to exist in this State, it shall not hereafter be re-established or permitted."

And the question being put, will the Convention agree to the amendment to the amendment? it passed in the negative.

Yea, 35; nays, 72.

The yeas and nays were requested and are as follows:

Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

Messrs. Black,  
Bolling,  
Boozer,  
Boyd,  
Bryce,  
Byrd,  
Dudley,

Messrs. Dunkin,  
Evins,  
Farrow,  
Fox,  
Frierson,  
Hearst,  
Hemphill,



## JOURNAL OF THE CONVENTION,

61

Messrs. Inglis,  
 Latimer,  
 Macbeth,  
 Melton,  
 Milling,  
 Morrison,  
 Moses,  
 Muldrow,  
 Norwood,  
 Orr,

Messrs. Perry,  
 Pickens, W. S.  
 Robertson,  
 Ross,  
 Skipper,  
 Taylor,  
 Thompson, J. G.  
 Wallace, Wm.  
 Weatherly,  
 Wylie.

Those who voted in the negative are

Messrs. Aldrich,  
 Andrews,  
 Ball,  
 Barnett,  
 Beatty,  
 Blair,  
 Boyce,  
 Brailsford,  
 Bratton,  
 Bull,  
 Campbell,  
 Cannon,  
 Carlisle,  
 Chisolm,  
 Coogan,  
 Conner,  
 Dawkins,  
 DeLettre,  
 Dozier,  
 Dunovant,  
 DuPre,  
 Fishburne,  
 Frost,  
 Furman,  
 Gaillard,  
 Gilliland,

Messrs. Goodwyn, A. D.  
 Goodwyn, T. J.  
 Gourdin,  
 Hammond,  
 Henery,  
 Herndon,  
 Huger,  
 James,  
 Johnson,  
 Jones,  
 Keenan,  
 Leo,  
 Lesesne,  
 Mills, Jr.  
 McDuffie,  
 McGowan,  
 McMaster,  
 McMichael,  
 Mobley,  
 Moore,  
 Morgan,  
 Pickens, F. W.  
 Porter,  
 Ravenel,  
 Reaves,  
 Reed,



TUESDAY, SEPTEMBER 19.

Messrs. Richardson,  
 Rion,  
 Rose,  
 Schnierle,  
 Sheridan,  
 Simonton,  
 Sims,  
 Smart,  
 Sullivan,  
 Summer,

Messrs. Thomson, Thos.  
 Tillman,  
 Wagener,  
 Wallace, W. H.  
 Whetstone,  
 Williams,  
 Wilson, John  
 Wilson, W. T.  
 Winsmith,  
 Youmans.

So the amendment to the amendment was not agreed to.

On motion of Mr. BEATTY, the words "*de facto*" were stricken out of the amendment, and the question being put, will the Convention agree to the amendment? it passed in the affirmative.

Yeas, 61; nays, 46.

The yeas and nays were requested and are as follows:

Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and,

Messrs. Andrews,  
 Ball,  
 Beatty,  
 Boyce,  
 Boyd,  
 Bratton,  
 Bryce,  
 Byrd,  
 Campbell,  
 Cannon,  
 Carlisle,  
 Chisolm,  
 Dozier,  
 Dudley,  
 Dunkin,  
 Dunovant,  
 DuPre,  
 Evans,

Messrs. Fishburne,  
 Furman,  
 Goodwyn, A. D.  
 Goodwyn, T. J.  
 Gourdin,  
 Hearst,  
 Henery,  
 Herndon,  
 Inglis,  
 Keenan,  
 Macbeth,  
 Melton,  
 Milling,  
 Mills, Jr.  
 McDuffie,  
 McMaster,  
 McMichael,  
 Mobley.



## JOURNAL OF THE CONVENTION,

63

Messrs. Morrison,	Messrs. Smart,
Moses,	Taylor,
Norwood,	Thompson, J. G.
Orr,	Thomson, Thos.
Pickens, W. S.	Tillman,
Reaves,	Wallace, Wm.
Richardson,	Wallace, W. H.
Rion,	Weatherley,
Robertson,	Wilson, John
Ross,	Wilson, W. T.
Skipper,	Wylie,
Simonton,	Youmans.

Those who voted in the negative are

Messrs. Aldrich,	Messrs. Jones,
Barnett,	Latimer,
Black,	Lee,
Blair,	Lesesne,
Bolling,	McGowan,
Boozer,	Moore,
Brailsford,	Morgan,
Bull,	Muldrow,
Coogan,	Perry,
Conner,	Pickens, F. W.
Dawkins,	Porter,
DeLettre,	Ravenel,
Farrow,	Reed,
Fox,	Rose,
Frierson,	Schnierle,
Frost,	Sheridan,
Gaillard,	Sims,
Gilliland,	Sullivan,
Hammond,	Summer,
Hemphill,	Wagener,
Huger,	Whetstone,
James,	Williams,
Johnson,	Winsmith.



TUESDAY, SEPTEMBER 19.

On motion of Mr. BOYCE, the words "Federal authorities" were stricken out and the words "Government of the United States" inserted.

On motion of Mr. RION, the words "Government of the United States" were stricken out, and the words "United States authorities" inserted.

And the question being put, will the Convention agree to the report as amended? it passed in the affirmative.

Yea, 98; nays, 8.

The yeas and nays were requested, and are as follows:  
Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

**Messrs. Andrews.**

Ball,  
Barnett,  
Beatty,  
Black,  
Blair,  
Bolling,  
Boozer,  
Boyce,  
Boyd,  
Brailsford,  
Bratton,  
Bryce,  
Bull,  
Byrd,  
Campbell,  
Canon,  
Carlisle,  
Chisolm,  
Coogan,  
Conner,  
Dawkins,  
DeLettre,  
Dozier,  
Dudley,  
Dunkin,

**Messrs. DuPre,**  
Evins,  
Farrow,  
Fishburne,  
Fox,  
Frierson,  
Frost,  
Gaillard,  
Gilliland,  
Goodwyn, A. D.  
Gourdin,  
Hammond,  
Hearst,  
Hemphill,  
Henary,  
Herndon,  
Huger,  
Inglis,  
James,  
Johnson,  
Jones,  
Keenan,  
Latimer,  
Lee,  
Lesesne,  
Macbeth,



## JOURNAL OF THE CONFNTION,

65

Messrs. Melton,  
 Milling,  
 Mills, Jr.  
 McDufie,  
 McGowain,  
 McMaster,  
 McMichael,  
 Mobley,  
 More,  
 Morrison,  
 Moses,  
 Muldrow,  
 Norwood,  
 Orr,  
 Perry,  
 Pickens, F. W.  
 Pickens, W. S.  
 Ravenel,  
 Reaves,  
 Reed,  
 Richardson,  
 Rion,  
 Robertson,

Messrs. Rose,  
 Ross,  
 Schnierle,  
 Skipper,  
 Simonton,  
 Sims,  
 Smart,  
 Sullivan,  
 Summer,  
 Taylor,  
 Thompson, J. G.  
 Thomson, Thos.  
 Tillman,  
 Wagener,  
 Wallace, Wm.  
 Wallace, W. H.  
 Weatherley,  
 Williams,  
 Wilson, John  
 Wilson, W. T.  
 Winsmith,  
 Wylie.

Those who voted in the negative are

Messrs. Aldrich,  
 Dunovant,  
 Goodwin, T. J.  
 Morgan,

Messrs. Porter,  
 Sheridan,  
 Whetstone,  
 Youmans.

So the report was agreed to.

Mr. MELTON, from the Engrossing Committee, reported

An Ordinance to repeal the Ordinance of Secession as engrossed and ready for ratification; which was forthwith ratified in due form.

On motion of Mr. LESESNE, leave of absence for the remainder of the session was granted to Mr. Morrison, on account of the disturbed condition of the country in which he resides.

On motion of Mr. CONNER, leave of absence was granted to Mr. Martin for two days, on account of domestic affliction.



WEDNESDAY, SEPTEMBER 20.

On motion of Mr. QRR, the Convention adjourned at half-past 3 o'clock  
P. M.

JOHN T. SLOAN,  
Clerk of the Convention.

WEDNESDAY, SEPTEMBER 20, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT  
took the Chair, and the proceedings were opened with prayer by Rev. A.  
W. Moore.

The Clerk called the roll, when the following members answered to their  
names:

Messrs. Aldrich,	Messrs. Dawkins,
Andrews,	DeLettre,
Ball,	Dozier,
Barnett,	Dudley,
Beatty,	Dunkin, B. F.
Black,	Dunovant,
Blair,	DuPre,
Bolling,	Evins,
Boozer,	Farrow,
Boyce,	Fishburne,
Boyd,	Fox,
Brabham,	Frierson,
Brailsford,	Frost,
Bratton,	Furman,
Bryce,	Gaillard,
Bull,	Gilliland,
Byrd,	Goodwyn, A. D.
Campbell,	Goodwyn, T. J.
Cannon,	Gourdin,
Carlisle,	Hammond,
Chisolm,	Heirst,
Coogan,	Hemphill,
Conner,	Henery,



Messrs. Herndon,

Huger,

Inglis,

James,

Johnson,

Jones,

Keanan,

Lake,

Latimer,

Lee,

Lesesno,

Macbeth,

Melechers,

Melton,

Milling,

Mills, Jr.

McCauley,

McDuffie,

McGowan,

McMaster,

McMichael,

Mobley,

Moore,

Morgan,

Moses,

Muldrow,

Norwood,

Orr,

Perry,

Pickens, F. W.

Pickens, W. S.

Porter,

Messrs. Ravenel,

Reaves,

Reed,

Richardson,

Rion,

Robertson,

Rose,

Ross,

Schnicke,

Sheridan,

Skipper,

Simonton,

Sims,

Smart,

Sullivan,

Summer,

Stewart,

Taylor,

Thompson, J. G.

Thomson, Thos.

Tillman,

Wagener,

Wallace, Wm.

Wallace, W. H.

Weatherly,

Whetstone,

Williams,

Wilson, John,

Wilson, W. T.

Winsmith,

Wylie,

Youmans.

The Journal of yesterday's proceedings was read.

Mr. ANDREWS gave notice that to-morrow he would ask leave to introduce a resolution to amend the rules of the Convention so that no member shall occupy the floor for more than ten minutes in addressing the Convention.

Mr. McMaster introduced the following resolution, which was ordered to be printed, and to be laid on the table:



WEDNESDAY, SEPTEMBER 20.

*Resolved*, That the Governor shall always reside, during the sitting of the Legislature, at the place where the session may be held; at all other times he shall habitually reside at Columbia, so long as it remains the seat of Government.

## GENERAL ORDERS.

The Convention proceeded to the consideration of the General Orders.

The Report of the Committee on Ordinances and Resolutions, in relation to Electors of President and Vice-President of the United States, was agreed to.

On motion of Mr. SIMS, the privileges of the floor of the hall of the Convention was extended to Gen. M. W. Gary.

Mr. McGOWAN introduced the following as an addition to the 4th Section of the "Ordinance to declare in force the Constitution and Laws heretofore in force," &c., which was ordered to be printed, and to be laid on the table:

*"Provided, however*, That in case suit shall be brought upon any such contracts or obligations, not by their terms payable in gold, or in other specified manner, and entered into between the first day of January, A. D. 1863, and the tenth day of May, 1865, the measure of recovery shall be the true value at the time of trial of the property contracted for; but in ascertaining this value, reference shall be had to the condition of the property at the time of contract. And in all such cases, the defendant may show such value without specially pleading the same."

Resolution as to the Constitution of the State was ordered to be laid on the table.

The following additional delegate appeared, produced his credentials, and enrolled his name as a member of the Convention.

*From St. Paul's Parish*.—Mr. Isaac M. Dwight.

Pursuant to notice, Mr. FROST offered the following amendment to the sixth rule of the Convention, by adding thereto the following words:

"And the first six motions shall be decided without debate, after such short conversation as the President may permit," which was agreed to.

Mr. LEE, from the Committee on Printing, made a report, which was considered immediately, and was agreed to.

On motion of Mr. ORR, the report of the Committee on the Legisla-



JOURNAL OF THE CONVENTION,

69

tive Department, on various matters, was taken up for consideration out of its order.

Mr. ANDREWS introduced the following amendment to the third section of the first article of the Constitution, proposing to strike out the section, and insert the following:

"Each Judicial District in the State shall constitute one Election District, except Charleston District, which shall be divided into three Election Districts. The first consisting of all that part of the city of Charleston which lies East of the middle thread of King street in said city, throughout its whole extent, and to be called Charleston District East; the second, of all that part of the city which lies West of the same line, and to be called Charleston District West; and the third consisting of all that part of the Judicial District which is without the corporate limits of the city, and to be known as the Election District of Washington."

And the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 80; nays, 31.

The yeas and nays were demanded, and are as follows:

Those who voted in the affirmative are

Hon. D. L. WARDELL, President, and

Messrs. Aldrich,  
Andrews,  
Ball,  
Blair,  
Brabham,  
Brailsford,  
Bratton,  
Bull,  
Byrd,  
Cannon,  
Chisolm,  
Coogan,  
Conner,  
Dawkins,  
DeLettre,  
Dozier,  
Dudley.

Messrs. Dunkin,  
Dunlevant,  
DuPré,  
Dwight,  
Evins,  
Fishburne,  
Frierson,  
Frost,  
Furman,  
Gaillard,  
Gilliland,  
Goodwyn, A. D.,  
Goodwyn, T. J.,  
Gourdin,  
Hearst,  
Henery,  
Hugor,



WEDNESDAY, SEPTEMBER 20.

Messrs. Inglis,  
James,  
Keenan,  
Lee,  
Lesesne,  
Macbeth,  
Martin,  
Melchers,  
Melton,  
Milling,  
McCanley,  
McDuffie,  
McGowan,  
McMaster,  
McMichael,  
Moore,  
Morgan,  
Moses,  
Muldrow,  
Norwood,  
Orr,  
Picken, W. S.  
Porter,

Messrs. Ravenel,  
Reaves,  
Reed,  
Richardson,  
Rion,  
Robertson,  
Rose,  
Schmierle,  
Sheridan,  
Skipper,  
Simonton,  
Sims,  
Smart,  
Taylor,  
Thompson, J. G.,  
Wagener,  
Wallace, Wm.,  
Wentherley,  
Whetstone,  
Williams,  
Wilson, W. T.,  
Younmans.

Those who voted in the negative are

Messrs. Barnett,  
Beatty,  
Black,  
Bolling,  
Boozer,  
Boyce,  
Boyd,  
Bryce,  
Carlisle,  
Farrow,  
Fox,  
Hammond,  
Hemphill,  
Herndon,

Messrs. Johnson,  
Jones,  
Latimer,  
Mills, Jr.,  
Mobley,  
Perry,  
Picken, R. W.,  
Ross,  
Sullivan,  
Summer,  
Stewart,  
Thomson, Thos.,  
Tillman,  
Wallace, W. H.



JOURNAL OF THE CONVENTION,

71

Messrs. Wilson, John  
Winsmith,

Messrs. Wyllie.

So the amendment was agreed to.

Mr. CAMPBELL asked and obtained leave to record the vote he would have given, if present, on the question of agreeing to the above amendment, and Mr. Campbell being called, answered aye.

Mr. YOUNMANS moved to amend the section by striking out and inserting the corresponding section of the Constitution of 1861.

Mr. ROBERTSON moved to lay the amendment on the table, and the question being put, will the Convention agree to the motion? it passed in the affirmative.

Years, 97; nays, 8.

The yeas and nays were requested, and are as follows:—  
Those who voted in the affirmative are—

Hon. D. L. Wardlow, President, and

Messrs. Andrews,  
Ball,  
Barnett,  
Beaty,  
Buell,  
Blair,  
Bolling,  
Boozer,  
Boyce,  
Boyd,  
Brailsford,  
Bratton,  
Bryce,  
Bull,  
Byrd,  
Cannon,  
Carlisle,  
Coogan,  
Conner,  
Dawkins,  
DeLettre,  
Dudley,  
Dunkin,

Messrs. Dunovan,  
DuPre,  
Dwight,  
Evins,  
Farrow,  
Fox,  
Eprierson,  
Frost,  
Gillard,  
Gilliland,  
Goodwyn, A. D.,  
Courdin,  
Hammond,  
Hearst,  
Hemphill,  
Henery,  
Herndon,  
Huger,  
Inglis,  
Johnson,  
Jones,  
Keenan,



WEDNESDAY, SEPTEMBER 20.

Messrs. Latimer,  
 Lee,  
 Lesesne,  
 Martin,  
 Melchers,  
 Melton,  
 Milling,  
 Mills, Jr.,  
 McDuffie,  
 McGowan,  
 McMaster,  
 McMichael,  
 Mobley,  
 Moore,  
 Morgan,  
 Moses,  
 Muldrow,  
 Norwood,  
 Orr,  
 Perry,  
 Pickens, F. W.  
 Pickens, W. S.  
 Porter,  
 Raynor,  
 Reaves,  
 Reed,

Messrs. Richardson,  
 Rion,  
 Robertson,  
 Rose,  
 Ross,  
 Schmierle,  
 Skipper,  
 Simonton,  
 Sims,  
 Sullivan,  
 Summer,  
 Stewart,  
 Taylor,  
 Thompson, J. G.  
 Thompson, Thos.  
 Tillman,  
 Wagener,  
 Wallace, W. H.  
 Weatherley,  
 Whetstone,  
 Williams,  
 Wilson, John  
 Wilson, W. T.  
 Winsmith,  
 Wylie.

Those who voted in the negative are:

Messrs. Cappell,  
 Chisolm,  
 Goodwyn, T. J.  
 McCauley,

Messrs. Sheridan,  
 Smart,  
 Wallace, Wm.  
 Youmans.

So the amendment was ordered to be laid on the table.

The section, as amended, was then agreed to.

On motion of Mr. MOSES, the Convention was adjourned at 4 o'clock  
 P. M.

JOHN T. SLOAN,  
 Clerk of the Convention.



JOURNAL OF THE CONVENTION,

73

THURSDAY, SEPTEMBER 21, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair, and the proceedings were opened with prayer by Rev. P. J. Shand.

The Clerk called the roll, when the following members answered to their names:

Messrs. Aldrich,  
Andrews,  
Ball,  
Barnett,  
Beatty,  
Black,  
Blair,  
Bolling,  
Boozer,  
Boyce,  
Boyd,  
Brabham,  
Brailsford,  
Bratton,  
Bryce,  
Bull,  
Byrd,  
Campbell,  
Cannon,  
Carlisle,  
Chisolm,  
Coogan,  
Connor,  
Dawkins,  
DeLettre,  
Dozier,  
Dudley,

Messrs. Dunkin,  
Dunovant,  
DuPre,  
Dwight,  
Evins,  
Farrow,  
Fishburne,  
Fox,  
Frierson,  
Frost,  
Furman,  
Gaillard,  
Gilliland,  
Goodwyn, A. D.  
Goodwyn, T. J.  
Gourdin,  
Hammond,  
Hearst,  
Hemphill,  
Henry,  
Herndon,  
Huger,  
Inglis,  
James,  
Johnson,  
Jones,  
Keenan,



THURSDAY, SEPTEMBER 21.

Messrs. Latimer,  
 Leo,  
 Lesesne,  
 Macbeth,  
 Martin,  
 Melchers,  
 Melton,  
 Milling,  
 Mills, Jr.  
 McCauley,  
 McDuffie,  
 McGowan,  
 McMaster,  
 McMichael,  
 Mobley,  
 Moore,  
 Morgan,  
 Moses,  
 Muldrow,  
 Norwood,  
 Orr,  
 Perry,  
 Pickens, F. W.  
 Pickens, W. S.  
 Porter,  
 Ravenel,  
 Reaves,  
 Reed,  
 Richardson,

Messrs. Rion,  
 Robertson,  
 Rose,  
 Ross,  
 Schnierle,  
 Sheridan,  
 Skipper,  
 Simonton,  
 Sims,  
 Smart,  
 Sullivan,  
 Summer,  
 Stewart,  
 Taylor,  
 Thomson, Thos.  
 Thompson, J. G.  
 Tillman,  
 Wagener,  
 Wallace, Wm.  
 Wallace, W. H.  
 Weatherley,  
 Whetstone,  
 Williams,  
 Wilson, John  
 Wilson, W. T.  
 Winsmith,  
 Wylie,  
 Youmans.

The Journal of yesterday's proceedings was read.

On motion of Mr. STEWART, leave of absence was granted for the remainder of the session to Mr. Lake, on account of indisposition.

On motion of Mr. MOSES,

*Ordered*, That until the final adjournment of the Convention, it will take a recess daily from 3 to 7 o'clock P. M.

Mr. DAWKINS, from the Committee on Ordinances and Resolutions, made a report

On so much of the Governor's Message as relates to Legislative, Execu-



JOURNAL OF THE CONVENTION,

75

tive and Judicial Departments of the Government; which, was ordered to be printed and to be laid on the table.

Mr. DUDLEY, from the Committee on Amendments to the Constitution, made a report

On a resolution to declare the validity of certain laws heretofore passed; which was ordered to be printed and to be laid on the table.

Mr. B. F. DUNKIN, from the Special Committee, made a report

On resolution as to the representation of this State in the Congress of the United States; which was ordered for consideration to-morrow.

Mr. FARROW, from the Committee on Amendments to the Constitution, made a report

On a resolution proposing amendments to form of oath of office; which was ordered for consideration to-morrow.

Pursuant to notice, Mr. ANDREWS introduced the following additional rule:

No member, on addressing the Convention, shall, at any one time, occupy the floor for more than fifteen minutes, without the consent of the Convention.

And the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 73; nays, 36.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are

Messrs. Andrews,  
Ball,  
Barnett,  
Beatty,  
Blair,  
Boyce,  
Brabham,  
Brailsford,  
Bryce,  
Byrd,  
Campbell,  
Cannon,  
Carlisle,  
Chisolm,  
Coogan,

Messrs. Conner,  
Dozier,  
Dudley,  
Dunkin,  
Dunovant,  
DuPro,  
Dwight,  
Evins,  
Fishburne,  
Frost,  
Furman,  
Gaillard,  
Gilliland,  
Goodwyn, A. D.  
Gourdin,



THURSDAY, SEPTEMBER 21.

Messrs. Hammond,  
 Hemphill,  
 Henery,  
 Herndon,  
 Inglis,  
 Johnson,  
 Keenan,  
 Latimer,  
 Lee,  
 Lesesne,  
 Martin,  
 Melchers,  
 Milling,  
 McCauley,  
 McDuffie,  
 McGowan,  
 McMichael,  
 Mobley,  
 Morgan,  
 Muldrow,  
 Norwood,  
 Ravenel,

Messrs. Reaves,  
 Reed,  
 Rion,  
 Rose,  
 Schnierle,  
 Sheridan,  
 Skipper,  
 Sims,  
 Smart,  
 Summer,  
 Thompson, J. G.  
 Thomson, Thos.  
 Tillman,  
 Wagener,  
 Wallace, W. H.  
 Weatherley,  
 Whetstone,  
 Williams,  
 Wilson, W. T.  
 Winsmith,  
 Wylie.

Those who voted in the negative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,  
 Black,  
 Bolling,  
 Boozer,  
 Boyd,  
 Dawkins,  
 DeLettre,  
 Farrow,  
 Fox,  
 Frierson,  
 Goodwyn, T. J.  
 Hearst,  
 Huger,  
 James,

Messrs. Jones,  
 Melton,  
 Mills, Jr.,  
 McMaster,  
 Moore,  
 Moses,  
 Orr,  
 Perry,  
 Pickens, F. W.  
 Pickens, W. S.  
 Porter,  
 Richardson,  
 Robertson,  
 Ross,



JOURNAL OF THE CONVENTION,

77

Messrs. Simonton,  
Sullivan,  
Stewart,  
Taylor.

Messrs. Wallace, Wm.  
Wilson,  
Youmans.

So the rule was adopted.

Mr. RION gave notice that to-morrow he will ask leave to introduce a resolution to amend Rule Eleventh, by striking out the word "two" in second line and inserting "seven," so that it will require a call of seven instead of two members to necessitate a vote by yeas and nays.

Mr. ALDRICH asked and obtained leave to record the vote he would have given, if present, yesterday, on the motion to lay the amendment to the third section of the Constitution, proposed by Mr. Youmans, on the table; and Mr. Aldrich being called, answered nay.

The Convention resumed the consideration of the report on the Legislative Department on various matters referred.

Mr. ORR moved to amend the fifth section, by striking out the following words: "And the amount of all taxes raised by the General Assembly, whether direct or indirect, or of whatever species, paid in each, deducting therefrom all taxes paid on account of property held in any other District, and adding thereto all taxes paid on account of property in such."

And the question being put, will the Convention agree thereto? it passed in the negative.

Yea, 24; nays, 83.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are

Messrs. Beatty,  
Black,  
Bolling,  
Boezer,  
Boyce,  
Boyd,  
Bryce,  
Byrd,  
Evins,  
Fox,  
Herndon,  
Johnson,

Messrs. Jones,  
Latimer,  
Melton,  
Moore,  
Orr,  
Perry,  
Pickens, W. S.  
Robertson,  
Ross,  
Wilson, John  
Winsmith,  
Wylie.

Those who voted in the negative are



THURSDAY, SEPTEMBER 21.

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,	Messrs. Keenan,
Andrews,	Lee,
Ball,	Lesesne,
Barnett,	Macbeth,
Blair,	Martin,
Brailsford,	Melchers,
Bratton,	Milling,
Bull,	Mills, Jr.
Campbell,	McCauley,
Cannon,	McDuffie,
Carlisle,	McGowan,
Chisolm,	McMaster,
Coogan,	McMichael,
Conner,	Mobley,
Dawkins,	Morgan,
DeLettre,	Moses,
Dozier,	Muldrow,
Dudley,	Pickeris, F. W.
Dunkin,	Porter,
Dunovant,	Ravenel,
DuPre,	Reavys,
Dwight,	Reed,
Farrow,	Richardson,
Fishburne,	Rion,
Frierson,	Rose,
Frost,	Schnierlo,
Farman,	Sheridan,
Gaillard,	Skipper,
Gilliland,	Simonton,
Goodwyn, A. D.	Sims,
Goodwyn, T. J.	Smart,
Gourdin,	Sullivan,
Hearst,	Sumner,
Hemphill,	Stewart,
Henery,	Taylor,
Huger,	Thompson, J. G.
Inglis,	Thomson, Thos.
James,	Tillman,



## JOURNAL OF THE CONVENTION.

79

Messrs. Wallace, W.  
 Wallace, W. H.  
 Weatherly,

Messrs. Williams,  
 Wilson, W. T.  
 Youmans.

So the motion was not agreed to.

Mr. DOZIER offered the following amendments : To strike out the word "white" in the third line of the fifth section, and insert in eighth line between the words "fifty-nine" and "shall" the words "an enumeration of the inhabitants."

And the question being put, will the Convention agree thereto ? it passed in the negative.

Yea, 52 ; nays, 59.

The yeas and nays were requested, and are as follows :

Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,  
 Andrews,  
 Blair,  
 Bolling,  
 Brabham,  
 Brailsford,  
 Bull,  
 Conner,  
 Dawkins,  
 DeLettre,  
 Dozier,  
 Dudley,  
 Dunkin,  
 Dunovant,  
 DuPre,  
 Dwight,  
 Fishburne,  
 Frost,  
 Furman,  
 Gaillard,  
 Gilliland,  
 Goodwyn, A. D.  
 Gourdin,  
 Henery,  
 Huger,  
 Inglis,

Messrs. James,  
 Keenan,  
 Lesesne,  
 Macbeth,  
 Martin,  
 Melton,  
 McCatley,  
 McDuffie,  
 McMaster,  
 Pickens, F. W.  
 Porter,  
 Ravenel,  
 Reaves,  
 Read,  
 Rose,  
 Ross,  
 Schnierle,  
 Sheridan,  
 Smart,  
 Taylor,  
 Thompson, J. G.  
 Wallace, Wm.  
 Weatherley,  
 Williams,  
 Youmans.



THURSDAY, SEPTEMBER 21.

Those who voted in the negative are

Messrs. Ball,	Messrs. McGowan,
Barnett,	McMichael,
Beatty,	Mobley,
Black,	Moore,
Boozer,	Morgan,
Boyce,	Moses,
Boyd,	Muldrow,
Bratton,	Norwood,
Bryce,	Orr,
Byrd,	Perry,
Campbell,	Pickens, W. S.
Carlisle,	Richardson,
Chisolm,	Rion,
Coogan,	Robertson,
Evins,	Skipper,
Farrow,	Simonton,
Fox,	Sims,
Frierson,	Sullivan,
Goodwyn, T. J.	Summer,
Hammond,	Stewart,
Hearst,	Thomson, Thos.
Heinphill,	Tillman,
Herndon,	Wagener,
Johnson,	Wallace, W. H.
Jones,	Whetstone,
Latimer,	Wilson, John
Lee,	Wilson, W. T.
Melchers,	Winsmith,
Milling,	Wylie.
Mills, Jr.	

So the amendment was not agreed to.

On motion of Mr. ANDREWS, leave of absence was granted to Mr. Williams to advance the business of the Committee of Ways and Means.

Under the order, the Convention recessed from business, at 3 o'clock until 7 o'clock P. M.

RECESS.

The PRESIDENT resumed the Chair.



## JOURNAL OF THE CONVENTION,

81

The Convention resumed the consideration of the report of the Committee on the Legislative Department on various matters referred.

Mr. DOZIER moved to recur to the consideration of the fifth section, and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 52; nays, 48.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are

Messrs. Aldrich,  
Andrews,  
Blair,  
Bolling,  
Brabham,  
Brailsford,  
Byrd,  
Cannon,  
Chisolm,  
Coogan,  
Conner,  
DeLettre,  
Dozier,  
Dudley,  
Dunkin, B. F.  
Dunovant,  
DuPre,  
Dwight,  
Fishburne,  
Frost,  
Furman,  
Gaillard,  
Gilliland,  
Goodwyn, A. D.  
Henery,  
Inglis,

Messrs. James,  
Jones,  
Keonan,  
Lesesne,  
Macbeth,  
Martin,  
Melchers,  
Milling,  
McCauley,  
McDuffie,  
McGowan,  
McMaster,  
Norwood,  
Perry,  
Porter,  
Ravencel,  
Reaves,  
Sheridan,  
Skipper,  
Simonton,  
Smart,  
Thompson, J. G.  
Wallace, Wm.  
Weatherly,  
Wilson, W. T.  
Youmans.

Those who voted in the negative are

Hon. D. L. WARDLAW, President, and

Messrs. Ball,

Messrs. Barnett,



THURSDAY, SEPTEMBER 21.

Messrs. Beatty,  
 Black,  
 Boozer,  
 Boyce,  
 Boyd,  
 Bratton,  
 Bryce,  
 Carlisle,  
 Evans,  
 Farrow,  
 Fox,  
 Frierson,  
 Goodwyn, T. J  
 Hearst,  
 Hemphill,  
 Herndon,  
 Johnson,  
 Latimer,  
 Lee,  
 Melton,  
 Mills, Jr.  
 McMichael,  
 Mobley,

Messrs. Moore,  
 Morgan,  
 Moses,  
 Muldrow,  
 Orr,  
 Pickens, F. W.  
 Pickens, W. S.  
 Richardson,  
 Rion,  
 Robertson,  
 Ross,  
 Sims,  
 Sullivan,  
 Sumner,  
 Thomson, Thos.  
 Tillman,  
 Wagener,  
 Wallace, W. H.  
 Whetsome,  
 Wilson, John,  
 Winsmith,  
 Wylie.

So the Convention recurred to the fifth section.

Mr. NORWOOD moved to reconsider the vote had on agreeing to the amendment offered by Mr. Bozier, and the question being put, will the Convention agree to the motion? it passed in the affirmative.

Yea, 55; nays, 51.

The yeas and nays were requested and are follows:

Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,  
 Andrews,  
 Blair,  
 Bolling,  
 Brabham,  
 Braidsford,  
 Bull,

Messrs. Byrd,  
 Campbell,  
 Cannon,  
 Chisolm,  
 Coogan,  
 Connor,  
 Dawkins,



## JOURNAL OF THE CONVENTION,

83

Messrs. DeLotte,  
 Dozier,  
 Dudley,  
 Dunkin,  
 Dunovant,  
 DuPre,  
 Dwight,  
 Fishburne,  
 Frost,  
 Furman,  
 Gailliard,  
 Gilliland,  
 Goodwyn, A. D.  
 Henery,  
 Inglis,  
 James,  
 Keenan,  
 Lesesne,  
 Macbeth,  
 Martin,

Messrs. Melchers,  
 Melton,  
 McCauley,  
 McDuffie,  
 McMaster,  
 Norwood,  
 Pickens, F. W.  
 Porter,  
 Ravenel,  
 Reaves,  
 Reed,  
 Ross,  
 Sheridan,  
 Skipper,  
 Smart,  
 Taylor,  
 Thompson, J. G.  
 Wallace, Wm:  
 Weatherly,  
 Youmans.

Those who voted in the negative are

Messrs. Ball,  
 Barnott,  
 Beatty,  
 Black,  
 Boozer,  
 Boyce,  
 Boyd,  
 Bratton,  
 Bryce,  
 Carlisle,  
 Evins,  
 Farrow,  
 Fox,  
 Frierson,  
 Goodwyn, T. J.  
 Hammond,  
 Hearst,  
 Hemphill,

Messrs. Herndon,  
 Johnson,  
 Jones,  
 Latimer,  
 Lee,  
 Milling,  
 Mills, Jr.  
 McGowan,  
 McMichael,  
 Mobley,  
 Moore,  
 Morgan,  
 Moses,  
 Muldrow,  
 Orr,  
 Perry,  
 Pickens, W. S.  
 Richardson,



FRIDAY, SEPTEMBER 22.

Messrs. Rion,  
 Robertson,  
 Simonton,  
 Sims,  
 Sullivan,  
 Summer,  
 Thomson, Thos.  
 Tillman,

Messrs. Wagener,  
 Wallace, W. H.  
 Whetstone,  
 Wilson, John  
 Wilson, W. T.  
 Winsmith,  
 Wylio.

So the Convention reconsidered the vote.

On motion of Mr. ORR, the Convention was adjourned at 10 o'clock P. M.

JOHN T. SLOAN,  
 Clerk of the Convention.

FRIDAY, SEPTEMBER 22, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair, and the proceedings were opened with prayer by Rev. J. J. O'Connell.

The Clerk called the roll, when the following members answered to their names:

Messrs. Aldrich,  
 Andrews,  
 Ball,  
 Barnett,  
 Beatty,  
 Black,  
 Blair,  
 Bolling,  
 Boozer,  
 Boyce,  
 Boyd,  
 Brabham,

Messrs. Brailsford,  
 Bratton,  
 Bryce,  
 Byrd,  
 Campbell,  
 Cannon,  
 Carlisle,  
 Chisolm,  
 Coogan,  
 Conner,  
 Dawkins,  
 DeLettre,



## JOURNAL OF THE CONVENTION,

85

Messrs. Dozier,	Messrs. McGowan,
Dudley,	McIver,
Dunkin,	McMaster,
Dunovant,	McMichael,
DuPre,	Mobley,
Dwight,	Moore,
Evins,	Morgan,
Farrow,	Moses,
Fishburne,	Muldrow,
Fox,	Norwood,
Frierson,	Orr,
Frost,	Perry,
Furman,	Pickens, F. W.
Gaillard,	Pickens, W. S.
Gilliland,	Porter,
Goodwyn, A. D.	Ravenel,
Goodwyn, T. J.	Reeves,
Gourdin,	Reed,
Hammond,	Richardson,
Hearst,	Riou,
Hemphill,	Robertson,
Henry,	Rose,
Herndon,	Ross,
Huger,	Schnierle,
Inglis,	Sheridan,
James,	Skipper,
Johnson,	Simington,
Jones,	Sims,
Keenan,	Smart,
Latimer,	Sullivan,
Lee,	Summer,
Lesesne,	Stewart,
Macbeth,	Taylor,
Martin,	Thomson, Thos.
Melchots,	Thompson, J. G.
Melton,	Tillman,
Milling,	Wagener,
Mills, Jr.	Wallace, Wm.
McCanley,	Wallace, W. H.
McDuffie,	Weatherley,



FRIDAY, SEPTEMBER 22.

Messrs. Whetstone,  
 Wilson, John  
 Wilson, W. T.

Messrs. Winsmith,  
 Wylie,  
 Youmans.

The Journal of yesterday's proceedings was read.

On motion of Mr. RION, Rule Eleventh was so amended as to require the request of seven members, instead of two, to decide any question by yeas and nays.

The Convention resumed the consideration of the report of the Committee on the Legislative Department on various matters referred.

Mr. INGLIS moved that the amendment proposed by Mr. Dozier to strike out the word "white," &c., &c., be laid on the table; and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 74; nays, 24.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are

Messrs. Ball,  
 Barnett,  
 Beatty,  
 Black,  
 Blair,  
 Bolling,  
 Boozer,  
 Boyce,  
 Boyd,  
 Brailsford,  
 Bratton,  
 Bryce,  
 Byrd,  
 Carlisle,  
 Coogan,  
 Conner,  
 DeLettre,  
 Dunkin,  
 DuPre,  
 Evins,  
 Farrow,  
 Fox,

Messrs. Frierson,  
 Gaillard,  
 Goodwyn, T. J.  
 Hammond,  
 Hearst,  
 Hemphill,  
 Henery,  
 Herndon,  
 Inglis,  
 James,  
 Johnson,  
 Jones,  
 Latimer,  
 Lee,  
 Lesesne,  
 Martin,  
 Melehers,  
 Milling,  
 Mills, Jr.,  
 McDuffie,  
 McGowan,  
 McMichael,



Messrs. Mobley,  
Morgan,  
Moses,  
Muldrow,  
Orr,  
Perry,  
Pickens, W. S.  
Ravenel,  
Reaves,  
Reed,  
Richardson,  
Rion,  
Robertson,  
Rose,  
Ross,

Messrs. Skipper,  
Simonton,  
Sullivan,  
Summer,  
Stewart,  
Thomson, Thos.  
Tillman,  
Wagener,  
Wallace, W. H.  
Weatherly,  
Whetstone,  
Wilson, John  
Wilson, W. T.  
Winsmith,  
Wylie.

Those who voted in the negative are

Hon. D. L. WARDLAW, President; and

Messrs. Aldrich,  
Brabham,  
Campbell,  
Cannon,  
Chisolm,  
Dozier,  
Dudley,  
Dunovant,  
Dwight,  
Fishburne,  
Frost,  
Gilliland,

Messrs. Goodwyn, A. D.  
Macbeth,  
Melton,  
McMaster,  
Norwood,  
Porter,  
Schnierle,  
Taylor,  
Thompson, J. G.  
Wallace, W.  
Youmans.

So the amendment was ordered to be laid on the table.

Mr. LESESNE gave notice that to-morrow he will ask leave to introduce a resolution to rescind the Rule limiting debate.

On motion of Mr. MACBETH, the report of the Committee on Amendments of the Constitution on resolution in relation to equalizing the taxes on property, was taken up out of its order, and was ordered to be laid on the table.

The Convention resumed the consideration of the report of the Committee on the Legislative Department on various matters referred.



FRIDAY, SEPTEMBER 22.

Mr. TILLMAN moved to amend the 11th Section by adding the words, "And fourteen other Senators to be apportioned among the several Election Districts according to the territorial area of the fourteen largest Districts."

Mr. ROBERTSON moved to lay the amendment on the table; and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 82; nays, 27.

The yeas and nays were requested and are as follows:

Those who voted in the affirmative are

Messrs. Ball,  
Barnett,  
Beatty,  
Black,  
Blair,  
Boozer,  
Boyce,  
Boyd,  
Bratton,  
Byrd,  
Caunon,  
Carlisle,  
Coogan,  
Conner,  
Daykins,  
DeLettro,  
Dozier,  
Dudley,  
Dunkin,  
Dunovant,  
DuPre,  
Dwight,  
Evins,  
Farrow,  
Fishburne,  
Fox,  
Frierson,  
Gilliland,  
Goodwyn, A. D.

Messrs. Goodwyn, T. J.  
Gourdin,  
Hemphill,  
Henery,  
Herndon,  
Inglis,  
James,  
Johnson,  
Jones,  
Keenan,  
Latimer,  
Lesesne,  
Martin,  
McLevers,  
Melton,  
Mills, Jr.,  
McCaulley,  
McDruffie,  
McIver,  
McMaster,  
McMichael,  
Moore,  
Morgan,  
Moses,  
Muldrow,  
Norwood,  
Orr,  
Pickens, F. W.,  
Porter,



## JOURNAL OF THE CONVENTION,

89

Messrs. Ravenel,  
 Reaves,  
 Reed,  
 Richardson,  
 Rion,  
 Robertson,  
 Rose,  
 Ross,  
 Schenckle,  
 Skipper,  
 Simonton,  
 Sullivan,

Messrs. Summer,  
 Stewart,  
 Taylor,  
 Thomson, Thos.  
 Wagener,  
 Wallace, Wm.  
 Wallace, W. H.  
 Weatherly,  
 Wilson, John  
 Wilson, W. T.  
 Winsmith,  
 Wylie.

Those who voted in the negative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,  
 Andrews,  
 Bolling,  
 Brabham,  
 Brailsford,  
 Bryce,  
 Campbell,  
 Chisolm,  
 Frost,  
 Furman,  
 Gaillard,  
 Hammond,  
 Hearst,

Messrs. Huger,  
 Lee,  
 Macbeth,  
 McGowan,  
 Mobley,  
 Perry,  
 Pickens, W. S.  
 Sheridan,  
 Smart,  
 Thompson, J. G.  
 Tillman,  
 Whetstone,  
 Youmans.

So the amendment was ordered to be laid on the table.

Mr. MOSES moved to amend the 13th Section by adding, "And hath been so at least six months next preceding the day of election." And the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 80; nays, 28.

The yeas and nays were requested and are as follows:

Those who voted in the affirmative are

Messrs. Aldrich,  
 Andrews,

Messrs. Ball,  
 Beatty,



FRIDAY, SEPTEMBER 22.

Messrs. Blair,  
 Bolling,  
 Boozer,  
 Boyce,  
 Boyd,  
 Brabham,  
 Bratton,  
 Bryce,  
 Campbell,  
 Carlisle,  
 Chisolm,  
 Coogan,  
 DeLettro,  
 Dozier,  
 Dudley,  
 Dunkin,  
 Dunovant,  
 DuPre,  
 Dwight,  
 Evins,  
 Farrow,  
 Fox,  
 Frierson,  
 Frost,  
 Furman,  
 Gaillard,  
 Gourdin,  
 Hearst,  
 Hemphill,  
 Herndon,  
 Hunger,  
 Inglis,  
 James,  
 Johnson,  
 Keenan,  
 Latimer,  
 Lee,  
 Lesesne,

Messrs. Martin,  
 Melchers,  
 Melton,  
 Milling,  
 Mills, Jr.,  
 McDuffie,  
 McMichael,  
 Mobley,  
 Moore,  
 Morgan,  
 Moses,  
 Muldrow,  
 Norwood,  
 Orr,  
 Perry,  
 Pickens, W. S.  
 Porter,  
 Ravenel,  
 Reaves,  
 Reed,  
 Richardson,  
 Robertson,  
 Rose,  
 Ross,  
 Sheridan,  
 Skipper,  
 Smart,  
 Sullivan,  
 Summer,  
 Stewart,  
 Thomson, Thos.  
 Tillman,  
 Wagener,  
 Wallace, Wm.  
 Weatherley,  
 Wilson, John  
 Wilson, W. T.  
 Winsmith.

Those who voted in the negative are



## JOURNAL OF THE CONVENTION,

31

Messrs. Barnett,  
 Black,  
 Brailsford,  
 Conner,  
 Dawkins,  
 Fishburne,  
 Gilliland,  
 Goodwyn, A. D.  
 Goodyn, T. J.  
 Hammond,  
 Henery,  
 Jones,  
 Macbeth,  
 McCauley.

Messrs. McGowan,  
 McIver,  
 McMaster,  
 Pickens, F. W.  
 Rion,  
 Schmierle,  
 Simonton,  
 Sims,  
 Taylor,  
 Wallace, W. H.  
 Whetstone,  
 Wylie,  
 Youmans.

So the amendment was agreed to.

Mr. ORR moved to amend the 14th Section by striking out the following words: "Be legally seized and possessed in his own right of a freehold worth not less than two thousand dollars," and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 59; nays, 47.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are

Andrews,  
 Barnett,  
 Beatty,  
 Black,  
 Blair,  
 Bolling,  
 Boozer,  
 Boyce,  
 Boyd,  
 Brailsford,  
 Bryce,  
 Campbell,  
 Carlisle,  
 Coogan,  
 Dudley,  
 DuPre,

Messrs. Evins,  
 Fartow,  
 Fox,  
 Gaillard,  
 Gilliland,  
 Goodwyn, A. D.  
 Hearst,  
 Hemphill,  
 Henery,  
 Herndon,  
 Johnson,  
 Jones,  
 Lesesne,  
 Macbeth,  
 Martin,  
 Melchers,



FRIDAY, SEPTEMBER 22.

Messrs. Milling,  
 Mills, Jr.  
 McMaster,  
 McMichael,  
 Moore,  
 Morgan,  
 Moses,  
 Muldrow,  
 Norwood,  
 Orr,  
 Perry,  
 Pickens, W. S.  
 Reed,  
 Robertson,

Messrs. Rose,  
 Ross,  
 Schniebel,  
 Skipper,  
 Smart,  
 Sullivan,  
 Thomson, Thos.  
 Tillman,  
 Wagener,  
 Weatherly,  
 Wilson, John  
 Winsmith,  
 Wylie.

Those who voted in the negative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,  
 Ball,  
 Bratton,  
 Bull,  
 Byrd,  
 Chisolm,  
 Conner,  
 Dawkins,  
 DeLettre,  
 Dozier,  
 Dunkin,  
 Dunovant,  
 Dwight,  
 Fishburne,  
 Frierson,  
 Furman,  
 Goodwyn, A. D.  
 Gourdin,  
 Hammond,  
 Huger,  
 Inglis,

Messrs. James,  
 Keenan,  
 Lake,  
 Lee,  
 Melton,  
 McCauléy,  
 McDuffie,  
 McGowan,  
 McIver,  
 Mobley,  
 Pickens, F. W.  
 Porter,  
 Ravenel,  
 Reaves,  
 Richardson,  
 Rion,  
 Sheridan,  
 Simonton,  
 Sims,  
 Summer,  
 Stewart,



## JOURNAL OF THE CONVENTION,

93

Messrs. Taylor,  
Wallace, Wm.  
Wallace, W. H.

Messrs. Wilson, W. T.  
Younmans.

So the amendment was agreed to.

On motion of Mr. DUDLEY, the report of the Committee on Amendments of the Constitution, on resolution as to popular elections, also on resolution as to voting *rigoroso* in all elections by the General Assembly, were taken up in connection with the report under consideration.

Mr. TILLMAN offered the following amendment to the 9th Section, by striking out "provided" and inserting "made up," and adding "Provided, however, That not more than twelve Representatives shall, in any apportionment, be assigned to any one Election District," and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 61; nays, 43.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and  
 Messrs. Aldrich, Messrs. Fox,  
 Barnett, Herrst,  
 Beatty, Henery,  
 Black, Herndon,  
 Blair, Johnson,  
 Bolling, Jones,  
 Boozer, Latimer,  
 Boyce, Lee,  
 Boyd, Milling,  
 Brabham, Mills, Jr.  
 Bratton, McMichael,  
 Bryce, Mobley,  
 Byrd, Moore,  
 Carlisle, Moses,  
 Coogan, Muldrow,  
 Connor, Orr,  
 Dudley, Perry,  
 Dunovan, Pickens, F. W.  
 DuPre, Pickens, W. S.  
 Evans, Reed,  
 Farrow, Richardson,



FRIDAY, SEPTEMBER 22.

Messrs. Rion,  
 Robertson,  
 Ross,  
 Sheridan,  
 Skipper,  
 Sims,  
 Sullivan,  
 Summer,  
 Stewart,

Messrs. Thomson, Thos.  
 Tillman,  
 Wallace, W. H.  
 Wallace, Wm.  
 Whotstone,  
 Wilson, John  
 Winsmith,  
 Wylio.

Those who voted in the negative are

Messrs. Andrews,  
 Ball,  
 Brailsford,  
 Bull,  
 Campbell,  
 Chisolm,  
 Dawkins,  
 DeLetto,  
 Dozier,  
 Dunkin,  
 Dwight,  
 Furman,  
 Gaillard,  
 Gilliland,  
 Goodwyn, A. D.  
 Goodwyn, T. J.  
 Gourdin,  
 Hemphill,  
 Huger,  
 Inglis,  
 James,  
 Keonan,

Messrs. Lesesne,  
 Melchers,  
 Molton,  
 McCauley,  
 McDufie,  
 McGowan,  
 McIver,  
 McMaster,  
 Morgan,  
 Porter,  
 Ravenel,  
 Reaves,  
 Rose,  
 Schmerle,  
 Simonton,  
 Taylor,  
 Thompson, J. G.  
 Wagener,  
 Weatherly,  
 Wilson, W. T.  
 Youmans.

So the amendment was agreed to.

The report was then agreed to.

The Convention recessed from business at 3 o'clock until 7 o'clock P. M.

RECESS.

The PRESIDENT resumed the Chair.



JOURNAL OF THE CONVENTION,

95

The Convention proceeded to the consideration of the report of the Committee on the Legislative Department, on a resolution as to the qualification of voters.

On motion of Mr. BOYCE, the report was re-committed to the Committee.

SPECIAL ORDERS.

On motion of Mr. HAMMOND, the Convention proceeded to the consideration of the report of the Committee on Ordinances and Resolutions, on resolutions indicating a national policy, which had been made the Special Order of the Day, for this day, at 1 o'clock P. M.

On motion of Mr. HAMMOND, the Special Order was discharged and the same was made the Special Order of the day for to-morrow at 1 o'clock P. M.

On motion of Mr. ORR, the Convention proceeded to the consideration of the report of the Committee of the Executive Department, on sundry resolutions and other matters referred.

On motion of Mr. SMART, the Convention was adjourned at fifteen minutes past 10 o'clock P. M.

JOHN T. SLOAN,  
Clerk of the Convention.

SATURDAY, SEPTEMBER 23, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair, and the proceedings were opened with prayer by Rev. Mr. Rude.

The Clerk called the roll, when the following members answered to their names:

Messrs. Aldrich,  
Andrews,  
Ball,  
Barnett,  
Beatty,

Messrs. Black,  
Blair,  
Bolling,  
Boozer,  
Boyce,



SATURDAY, SEPTEMBER 23.

Messrs. Boyd,  
 Brabham,  
 Brailsford,  
 Bratton,  
 Bryce,  
 Byrd,  
 Campbell,  
 Cannon,  
 Carlisle,  
 Chisolm,  
 Coogan,  
 Connor,  
 Dawkins,  
 DeLettre,  
 Dozier,  
 Dudley,  
 Dunkin,  
 DuNovant,  
 DuPre,  
 Dwight,  
 Ewings,  
 Farrow,  
 Fishburne,  
 Fox,  
 Frierson,  
 Frost,  
 Furman,  
 Gaillard,  
 Gilliland,  
 Goodwyn, A. D.,  
 Goodwyn, W. J.,  
 Gourdin,  
 Hammond,  
 Hearst,  
 Hemphill,  
 Henery,  
 Herndon,  
 Hinger,  
 Ingles,  
 James,

Messrs. Johnson,  
 Jones,  
 Keenan,  
 Latimer,  
 Lee,  
 Lesesne,  
 Macbeth,  
 Martin,  
 Melohers,  
 Melton,  
 Milling,  
 Mills, Jr.,  
 McCamley,  
 McDuffie,  
 McGowan,  
 McIver,  
 McMaster,  
 McMichael,  
 Mobley,  
 Moore,  
 Morgan,  
 Moses,  
 Muldrow,  
 Norwood,  
 Orr,  
 Perry,  
 Pickens, F. W.,  
 Pickens, W. S.,  
 Porter,  
 Raynor,  
 Reaves,  
 Reed,  
 Richardson,  
 Rion,  
 Robertson,  
 Rose,  
 Ross,  
 Schmierle,  
 Sheridan,  
 Skipper,



JOURNAL OF THE CONVENTION,

97

Messrs. Simonton,	Messrs. Wagener,
Sims,	Wallace, Wm.
Smart,	Wallace, W. H.
Sullivan,	Weatherley,
Summer,	Whetstone,
Stewart,	Wilson, John
Taylor,	Wilson, W. F.
Thomson, Thos.	Winsmith,
Thompson, J. G.	Wylie,
Tillman,	Younman,

The Journal of yesterday's proceedings was read.

The following additional member appeared, produced his credentials, and enrolled his name as a member of the Convention:

*From St. Johns Berkeley*—Mr. John G. Gaillard.

Mr. McIVER, from the Committee on the Legislative Department, made a report on resolution proposing an additional clause to the oath required of persons elected members of the General Assembly; which was ordered for consideration on Monday next.

Mr. FURMAN, from the Committee of Ways and Means, made a report on resolution as to providing for the expenses of the Convention; which was ordered for consideration on Monday next.

On motion of Mr. BOYCE, the order for a daily recess of the Convention was suspended for this day.

Mr. BOYCE introduced the following resolution; which was considered immediately and was agreed to:

*Resolved*, That a Revisory Committee of five be appointed; to whom shall be referred all Constitutional provisions agreed to by the Convention.

Whereupon the President announced Messrs. Inglis, Orr, Leesne, Dudley and Dawkins of the Committee.

Mr. J. G. THOMPSON introduced the following resolution, which was agreed to:

*Resolved*, That the Committee on Ordinances and Resolutions be requested to examine into the effect of that proviso in the sections relating the qualifications of members of the General Assembly, requiring a six months residence, for the purpose of ascertaining whether those citizens of the sea coast division of the State, who have been obliged by the casualties



SATURDAY, SEPTEMBER 23.

of war to remove from their Districts, will thereby be disqualified from holding said office.

The Convention resumed the consideration of the report of the Committee on the Executive Department on various matters referred.

Mr. BLACK moved to strike out the tenth section, and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 72; nays, 39.

The yeas and nays were requested; and are as follows:

Those who voted in the affirmative are

Messrs. Ball,  
Barnett,  
Black,  
Blair,  
Bolling,  
Boozer,  
Boyd,  
Brabham,  
Bratton,  
Bryce,  
Byrd,  
Campbell,  
Candon,  
Carlisle,  
Chisolm,  
Coogan,  
Conner,  
Dawkins,  
DeLotto,  
Dozier,  
Dudley,  
Dunovant,  
DuPre,  
Evins,  
Farrow,  
Fishburne,  
Fox,  
Frierson,  
Goodwyn, A. D.  
Goodwyn, T. J.

Messrs. Gourdin,  
Hammond,  
Hemphill,  
Herdson,  
James,  
Johnson,  
Jones,  
Keenan,  
Latimer,  
Lee,  
Milling,  
Mills, Jr.,  
McCauley,  
McDuffie,  
McIver,  
McMichael,  
Mobley,  
Moore,  
Morgan,  
Moses,  
Muldrow,  
Norwood,  
Porter,  
Reaves,  
Reed,  
Richardson,  
Rose,  
Sheridan,  
Skipper,  
Sims,



## JOURNAL OF THE CONVENTION,

99

Messrs. Sullivan,  
Summer,  
Stewart,  
Taylor,  
Thomson, Thos.  
Wagener,

Messrs. Wallace, Wm.  
Wallace, W. H.  
Weatherly,  
Wilson, W. T.  
Winsmith,  
Younghusband

Those who voted in the negative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,  
Andrews,  
Beatty,  
Boyce,  
Brailsford,  
Dunkin, B. F.  
Dwight,  
Eurman,  
Gaillard, J. G.  
Gaillard, P. C.  
Gilliland,  
Hearst,  
Henry,  
Huger,  
Inglis,  
Lesesne,  
Macbeth,  
Martin,  
Melchers,

Messrs. Melton,  
McGowan,  
McMaster,  
Orr,  
Perry,  
Pickens, F. W.  
Pickens, W. S.  
Ravenel,  
Ryon,  
Robertson,  
Ross,  
Schmierle,  
Simonton,  
Smart,  
Thompson, J. G.  
Tillman,  
Whetstone,  
Wilson, John,  
Wylie.

So the section was stricken out.

On motion of Mr. ORR, the eleventh section was stricken out.

The report was then agreed to and was referred to the Revisory Committee.

The report of the Committee on the Legislative Department was referred to the Revisory Committee.

MR. RION introduced the following resolution, which was agreed to:

*Resolved*; That it be referred to the Committee on the Executive Department to inquire and report upon the propriety of giving to the Governor a qualified veto.



SATURDAY, SEPTEMBER 23.

Mr. DUDLEY, from the Committee on Amendments to the Constitution, made a report on general Articles not specially reported by the Committees on the Legislative, Judicial or Executive Departments; which was ordered to be printed, and to be laid on the table.

Mr. ORR offered the following resolution, which was ordered for consideration on Monday next, and to be printed:

*Resolved*, That the Secretary of State, Comptroller-General and Treasurer shall be elected by the qualified votes of the State, at the same general election when the Governor and Lieutenant-Governor are elected.

The Convention proceeded to the consideration of the report of the Committee on the Judicial Department on an Ordinance to declare in present force the Constitution and Laws, &c.; also,

The report of the same Committee on sundry resolutions relative to the creation of certain Courts. The reports were agreed to, and were referred to the Revisory Committee.

The Convention proceeded to the consideration of the report of the Committee on the Judiciary on resolution as to colored persons being permitted to testify in certain cases; which was made the Special Order of the Day for Monday next, at 11 o'clock A. M.

The report of the same Committee, on a proposition that the Judges and Chancellors be appointed by the Governor, subject to the confirmation of the Senate, was agreed to.

On motion of Mr. JIAMMOND, the Convention proceeded to the consideration of the report on ordinances and resolutions, on resolutions indicating a national policy. The Special Order was discharged, and the same was made the Special Order of the Day for Monday next, at 1 o'clock P. M.

On motion of Mr. McGOWAN, the addition offered by him to the 4th section of the ordinance to declare in force the Constitution and laws heretofore in force, &c.; was referred to the Committee on the Judicial Department.

Mr. MELTON introduced an ordinance to provide for the first ensuing election of Governor and Lieutenant-Governor, and for Members of the first ensuing General Assembly of the State of South Carolina; which was ordered to be printed, and to be laid on the table.

Mr. JONES introduced the following resolution; which was referred to the Committee on Amendments to the Constitution:

*Resolved*, That hereafter there shall be a capitation tax laid, by the General Assembly, for the support of the State, in the sum of one dollar and twenty-five cents, on each person.



## JOURNAL OF THE CONVENTION,

101

ral Assembly, on all male inhabitants of this State between the ages of twenty-one and fifty years, which shall never be less than one-fourth of the tax laid on one hundred dollars worth of land.

Mr. BLACK introduced the following resolution; which was referred to the Committee on Amendments to the Constitution:

*Resolved*, That the General Assembly is forever hereafter prohibited from exempting the property of any corporation, association or individual from taxation.

On motion of Mr. EVINS, the Convention was adjourned at fifteen minutes past 3 o'clock P. M.

JOHN T. SLOAN,  
Clerk of the Convention.

MONDAY, SEPTEMBER 25, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair, and the proceedings were opened with prayer by Rev. Dr. Howe.

The Clerk called the roll, when the following members answered to their names:

Messrs. Aldrich,  
Andrews,  
Babb,  
Barnott,  
Beatty,  
Black,  
Blair,  
Bolling,  
Boozer,  
Boyce,

Messrs. Boyd,  
Brailsford,  
Britton;  
Bryce,  
Ball,  
Byrd,  
Campbell,  
Cannon,  
Carlisle,  
Chisolm,



MONDAY, SEPTEMBER 25.

Messrs. Coogan,  
 Conner,  
 Dawkins,  
 DeLettre,  
 Dozier,  
 Dudley,  
 Dinkin,  
 Dunovant,  
 DuPre,  
 Dwight,  
 Evans,  
 Farrow,  
 Fishburne,  
 Fox,  
 Frierson,  
 Frost,  
 Furman,  
 Gaillard, John G.  
 Gaillard, P. C.  
 Gilliland,  
 Goodwyn, A. D.  
 Goodwyn, T. J.  
 Gonidin,  
 Hammond,  
 Hearst,  
 Hemphill,  
 Henery,  
 Herndon,  
 Hunger,  
 Ingles,  
 James,  
 Johnson,  
 Jones,  
 Keenan,  
 Latimer,  
 Lee,  
 Lesesne,  
 Macbeth,  
 Martin,  
 Melchior,

Messrs. Molton,  
 Milling,  
 Mills, Jr.  
 McCamley,  
 McDuffie,  
 McGowan,  
 McIver,  
 McMaster,  
 McMichael,  
 Mobley,  
 Moore,  
 Morgan,  
 Moses,  
 Muldrow,  
 Norwood,  
 Orr,  
 Perry,  
 Pickens, F. W.  
 Pickens, W. S.  
 Porter,  
 Ravenel,  
 Reaves,  
 Reed,  
 Richardson,  
 Rion,  
 Robertson,  
 Rose,  
 Ross,  
 Schmierle,  
 Sheridan,  
 Skipper,  
 Simonton,  
 Sims,  
 Smart,  
 Sullivan,  
 Sumner,  
 Stewart,  
 Taylor,  
 Thompson, J. G.  
 Thomson, Thos.



## JOURNAL OF THE CONVENTION,

103

Messrs. Tillman,

Wagener,

Wallace, W. H.

Wallace, Wm.

Weatherley,

Messrs. Wilson, John

Wilson, W. T.

Winsmith,

Wylie,

Younans.

The Journal of yesterday's proceedings was read.

Mr. THOS. THOMSON introduced the following resolution; which was considered immediately and was agreed to:

*Resolved*, That a Commission, consisting of two persons, be appointed by His Excellency the Provisional Governor, to prepare and report to the next Legislature what laws will be necessary and proper in consequence of the alterations made in the fundamental law, and especially to prepare and submit a code for the regulation of labor and the protection and government of the colored population of the State; and that the Legislature fix the compensation of said Commissioners.

Mr. DUDLEY, from the Committee on Amendments to the Constitution, made a report on resolution as to the basis of a capitation tax; which was considered immediately.

The report was ordered to be laid on the table and the resolution taken up for consideration.

Mr. BOYCE moved that the consideration of the resolution be indefinitely postponed; and the question being put, will the Convention agree thereto? it passed in the negative.

Yea, 20; nays, 85.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are,

Hon. D. L. WARDLAW, President, and

Messrs. Andrews,

Barnett,

Bolling,

Boyce,

Boyd,

Bryce,

Byrd,

Cannon,

Carlisle,

Dudley,

Messrs. Farrow,

Fox,

Frierson,

Hearst,

Hemphill,

Latimer,

Perry,

Thompson, J. G.

Winsmith.



MONDAY, SEPTEMBER 25.

Those who voted in the negative are

Messrs. Aldrich,	Messrs. Melton,
Ball,	Milling,
Bentty,	Mills, Jr.
Black,	McCauley,
Blair,	McDuffie,
Brailsford,	McGowan,
Bratton,	McIver,
Bull,	McMaster,
Campbell;	McMichael,
Chisolm,	Mobley,
Coogan,	Moore,
Conner,	Morgan,
Dawkins,	Moses,
DeLettre,	Muldrow,
Dozier,	Norwood,
Dunkin,	Orr,
Dunovant,	Pickens, F. W.
DuPro,	Pickens, W. S.
Dwight,	Porter,
Evins,	Roaves,
Frost,	Reed,
Furman,	Richardson,
Gaillard, J. G.	Rion,
Gaillard, P. C.	Robertson,
Gilliland,	Rose,
Goodwyn, T. J.	Ross,
Gourdin,	Schnierlo,
Hammond,	Sheridan,
Henery,	Skipper,
Herndon,	Simonton,
Huger,	Sims,
Inglis,	Smart,
James,	Sullivan,
Johnson,	Summer,
Jones,	Stewart,
Keenan,	Taylor,
Lee,	Thomson, Thos.
Lesesne,	Tillman,
Macbeth,	Wagener,
Molchers,	Wallace, Wm.



JOURNAL OF THE CONVENTION,

105

Messrs. Wallace, W. H.  
Wilson, John  
Wilson, W. T.

Messrs. Wylic,  
Youmans.

The resolution having been amended so as to read, as follows:

"Hereafter, there shall be a capitation tax laid by the General Assembly, which, upon each poll, shall never be less than one-fourth of the tax laid on one hundred dollars' worth of land; it being left to the General Assembly to determine what inhabitants of the State shall be excepted from the operation of the law;" was then agreed to, and was referred to the Revisory Committee.

Mr. FRIERSON, from the Committee on Amendments to the Constitution, made a report on resolutions prohibiting the General Assembly from exempting certain property from taxation; which was ordered to be laid on the table.

Mr. SIMONTON, from the Committee on the Executive Department, made a report on resolution of inquiry, as to the propriety of giving the Governor a qualified veto; which was made the Special Order of the Day for this day, at 7 o'clock P. M.

Mr. F. W. PICKENS introduced the following as a section for the Constitution; which was referred to the Committee on Amendments to the Constitution:

"For debts hereafter contracted, no real estate shall be subject to levy or execution; but this shall not be construed so as to prevent any legal process against the rents and profits of the same."

Mr. INGLIS, from the Committee on the Legislative Department, made a report on the article prescribing the qualifications of voters; which was considered immediately, was agreed to, and was referred to the Revisory Committee.

On motion of Mr. DUDLEY, the Convention proceeded to the consideration of the report of the Committee on Amendments to the Constitution, on general articles not specially reported on by the Committees on the Legislative, Judicial or Executive Departments.

On motion of Mr. INGLIS, the Convention resolved itself into a Committee of the Whole, Mr. Sullivan in the Chair.

The PRESIDENT resumed the Chair.

Mr. INGLIS offered the following section:



MONDAY, SEPTEMBER 25.

Every person restrained of his liberty ought to have prompt inquiry of competent authority into the cause of such restraint, and if the restraint should be found to be wholly illegal, he should be at once unconditionally discharged; if he should be found to be held upon sufficient warrant of law for criminal matter, he should be discharged on reasonable bail; unless when he is held to answer for a capital offence, when the proof is evident or the presumption great; therefore, upon petition alleging restraint of liberty, it shall be the duty of every Judge of Law or Equity in this State to grant to the petitioner a writ of *habeas corpus*, returnable promptly, and upon return thereof, to hear, determine and order, according to these principles; and this privilege of the writ of *habeas corpus* shall never be suspended.

Mr. FROST moved that all the section be stricken out except "This privilege of the writ of *habeas corpus* shall not be suspended;" and, the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 70; nays, 31.

The yeas and nays were requested, and are as follows:  
Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,  
Ball,  
Beatty,  
Black,  
Blair,  
Boyd,  
Brailsford,  
Bratton,  
Bryce,  
Byrd,  
Carlisle,  
Conner,  
Dawkins,  
DeLettre,  
Dozier,  
Dudley,  
Dunkin,  
Dunovant,

Messrs. DuPre,  
Dwight,  
Evins,  
Fishburne,  
Frierson,  
Frost,  
Furman,  
Gaillard, J. G.,  
Gilliland,  
Gourdin,  
Hearst,  
Huger,  
James,  
Johnson,  
Jones,  
Latimer,  
Lee,  
Lesesne,



JOURNAL OF THE CONVENTION,

107

Messrs. Macbeth,  
Molton,  
Mills, Jr.  
McDuffie,  
McGowan,  
McMaster,  
McMichael,  
Mobley,  
Moore,  
Moses,  
Muldrow,  
Orr,  
Perry,  
Pickens, F. W.  
Pickens, W. S.  
Reaves,  
Reed,

Messrs. Richardson,  
Rion,  
Rose,  
Ross,  
Skipper,  
Simonton,  
Sullivan,  
Stewart,  
Taylor,  
Thomson, Thos.  
Tillman,  
Wallace, Wm.  
Wilson, John  
Wilson, W. T.  
Winsmith,  
Wylie.

Those who voted in the negative are

Messrs. Andrews,  
Barnett,  
Bolling,  
Boozer,  
Boyce,  
Campbell,  
Cannon,  
Chisholm,  
Coogan,  
Farrow,  
Fox,  
Goodwyn, A. D.  
Goodwyn, T. J.  
Hammond,  
Hemphill,  
Henrory,

Messrs. Herndon,  
Inglis,  
Keenan,  
McIver,  
Norwood,  
Porter,  
Ravenel,  
Robertson,  
Sheridan,  
Smart,  
Summer,  
Thompsön, J. G.  
Wallace, W. H.  
Weatherly,  
Youmans.

So the words were stricken out.

The Convention receded from business at 3. o'clock P. M., until 7 o'clock P. M.



MONDAY, SEPTEMBER 25.

## RECESS.

The Convention resumed the consideration of the report of the Committee on Amendments to the Constitution.

Mr. WAGENER moved to strike out the tenth section, and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 61; nays, 38.

The yeas and nays were requested and are as follows:

Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

Messrs. Andrews,	Messrs. Macbeth,
Ball,	Martin,
Barnett,	Melchers,
Beatty,	Melton,
Boyce,	Mills, Jr.
Boyd,	McGowan,
Brailsford,	McMaster,
Bratton,	Mobley,
Bryce,	Moore,
Bull,	Moses,
Carlisle,	Muldrow,
Chisolm,	Norwood;
Coogan,	Orr,
Gonner,	Perry,
Dawkins,	Ravenel,
Dunkin,	Richardson,
Dunovant,	Rion,
Dwight,	Robertson,
Farrow,	Simonton,
Frost,	Sims,
Furman,	Smart,
Gaillard, P. C.	Sullivan,
Goodwyn, A. D.	Summer,
Hammond,	Thompson, J. G.
Henrhy,	Thomson, Thos.
Herndon,	Wagoner,
Johnson,	Wallace, Wm.
Keenan,	Wallace, W. H.
Lee,	Wilson, John
Lesesne,	Younman



Those who voted in the negative are

Messrs. Aldrich,	Messrs. Inglis,
Black,	James,
Blair,	Jones,
Bolling,	Latimer,
Boozer,	Milling,
Byrd,	McCauley,
Campbell,	McDuffie,
DeLettre,	McIver,
Dozier,	McMichael,
Dudley,	Pickens, F. W.
DuPre,	Pickens, W. S.
Evins,	Porter,
Fishburne,	Reaves,
Fox,	Skipper,
Frierson,	Tillman,
Gaillard, John G.	Weatherly,
Goodwyn, T. J.	Wilson, W. T.
Hearst,	Winsmith,
Hemphill,	Wylie.

So the section was stricken out.

The report of the Committee on Amendments to the Constitution on resolution requiring a two-thirds vote as to exempt certain property from taxation; was taken up in connection with the report under consideration.

Mr. ANDREWS moved that the report, with the clause recommended therein, be laid on the table, and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 61; nays, 39.

The yeas and nays were requested and are as follows:

Those who voted in the affirmative are

Messrs. Aldrich,	Messrs. Bratton,
Andrews,	Byrd,
Ball,	Carlisle,
Beatty,	Chisolm,
Boyce,	Conner,
Boyd,	Dawkins,
Brailsford,	DeLettre,



MONDAY, SEPTEMBER 25.

Messrs. Dozier,  
 Dunkin,  
 DuPre,  
 Dwight,  
 Fishburne,  
 Frost,  
 Furman,  
 Gaillard, John G.  
 Gaillard, P. C.  
 Gilliland,  
 Goodwyn, A. D.  
 Hemphill,  
 Henery,  
 Inglis,  
 James,  
 Koenan,  
 Lee,  
 Lesosne,  
 Martin,  
 McLehers,  
 Mills,  
 McCauley,  
 McDuffio,  
 McGowan,

Messrs. McMaster,  
 Moore,  
 Muldrow,  
 Norwood,  
 Orr,  
 Porter,  
 Ravenel,  
 Reaves,  
 Reed,  
 Richardson,  
 Rion,  
 Robertson,  
 Simonton,  
 Sims,  
 Smart,  
 Sullivan,  
 Summer,  
 Thompson, J. G.  
 Wagener,  
 Wallace, Wm.  
 Wallace, W. H.  
 Wilson, W. T.  
 Youmans,

Those who voted in the negative are

Hon. D. L. WARDLAW, President, and

Messrs. Barnett,  
 Black,  
 Blair,  
 Bolling,  
 Boozer,  
 Bryce,  
 Bull,  
 Coogan,  
 Dudley,  
 Dunovant,  
 Evins,  
 Farrow,

Messrs. Fox,  
 Frierson,  
 Goodwyn, T. J.  
 Hammond,  
 Hearst,  
 Herndon,  
 Johnson,  
 Jones,  
 Latimer,  
 Macbeth,  
 Melton,  
 Milling,



## JOURNAL OF THE CONVENTION,

111

Messrs. McIver,  
 McMichael,  
 Mobley,  
 Moses,  
 Perry,  
 Pickens, F. W.  
 Pickens, W. S.

Messrs. Skipper,  
 Thompson, Thos  
 Tillman,  
 Weatherly,  
 Wilson, John  
 Wimsith,  
 Wyly.

So the report and clause were ordered to be laid on the table.

Mr. TILLMAN offered the following article:

"Every charter of incorporation hereafter granted, renewed or modified by the General Assembly, shall, at all times, remain subject to amendment or repeal by the General Assembly."

Mr. ROBERTSON moved that the article be laid on the table, and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 74; nays, 20.

The yeas and nays were requested and are as follows:  
 Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,  
 Andrews,  
 Ball,  
 Barnott,  
 Beatty,  
 Blair,  
 Bellings,  
 Boyce,  
 Brailsford,  
 Bratton,  
 Byrd,  
 Carlisle,  
 Conner,  
 Dawkins,  
 DeLettre,  
 Dozier,  
 Dudley,  
 Dunkin,

Messrs. Danovant,  
 DuPre,  
 Dwight,  
 Farrow,  
 Frieson,  
 Frost,  
 Gaillard, J. G.  
 Gaillard, P. C.  
 Gilliland,  
 Goodwyn, A. D.  
 Hearst,  
 Hemphill,  
 Henery,  
 Inglis,  
 Jones,  
 Keevan,  
 Leo,  
 Lesesne,



MONDAY, SEPTEMBER 25.

Messrs. Macleth,  
 Martin,  
 Melchers,  
 Mellion,  
 Milling,  
 Mills, Jr.  
 McCauley,  
 McDuffie,  
 McGowan,  
 McIver,  
 McMaster,  
 McMichael,  
 Moore,  
 Moses,  
 Muldroy,  
 Norwood,  
 Orr,  
 Perry,

Messrs. Pickens, F. W.  
 Ravenel,  
 Reaves,  
 Richardson,  
 Rion,  
 Robertson,  
 Simonton,  
 Smart,  
 Sullivan,  
 Summer,  
 Thompson, J. G.  
 Wagener,  
 Wallæe, Wm.  
 Wallace, W. H.  
 Wilson, John  
 Wilson, W. T.  
 Winsmith,  
 Youmans.

Those who voted in the negative are,

Messrs. Black,  
 Boozer,  
 Boyd,  
 Bryce,  
 Chisolm,  
 Coogan,  
 Evins,  
 Fox,  
 Goodwyn, T. J.  
 Hammond,

Messrs. Herndon,  
 James,  
 Johnson,  
 Latimer,  
 Pickens, W. S.  
 Porter,  
 Skipper,  
 Thomson, Thos.  
 Tillman,  
 Wylio.

So the article was ordered to be laid on the table.

The report was then agreed to, and was committed to the Revisory Committee.

#### SPECIAL ORDER.

On motion of Mr. SIMONTON, the Convention proceeded to the consideration of the report of the Committee on the Legislative Department, on a resolution as to giving the Governor a qualified veto; which has been made the Special Order of the Day, for this day, at 7 o'clock, P. M. And



## JOURNAL OF THE CONVENTION,

113

the question being put, will the Convention agree to the report? it passed in the negative.

Yea, 42; nays, 50.

The yeas and nays were requested and are as follows:

Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and	
Messrs. Aldrich,	Messrs. Keenan,
Beatty,	Lesesne,
Black,	Meichers,
Blair,	Melton,
Bolling,	Mills, Jr.
Boozer,	McMaster,
Boyce,	Moore,
Brailsford,	Orr,
Coogan,	Perry,
Conner,	Ravenel,
Dawkins,	Rion,
DeLettre,	Robertson,
Dwight,	Simonton,
Fox,	Smart,
Gaillard, J. G.	Summer,
Gilliland,	Thompson, J. G.
Goodwyn, T. J.	Wagener,
Hammend,	Wilson, John
Hemphill,	Wylie,
Henry,	Yoomana.
Inglis,	

Those who voted in the negative are

Messrs. Andrews,	Messrs. Dozier,
Ball,	Dudley,
Barnett,	Dunovant,
Boyd,	DuPre,
Bratton,	Evins,
Bryce,	Frierson,
Byrd,	Frost,
Carlisle,	Furman,
Chisolm,	Gaillard, P. C.



MONDAY, SEPTEMBER 25.

Messrs. Hearst,  
 Herndon,  
 James,  
 Johnson,  
 Jones,  
 Latimer,  
 Lee,  
 Macbeth,  
 Milling,  
 McCauley,  
 McDuffie,  
 McGowan,  
 McIver,  
 McMichael,  
 Mobley,  
 Moses,

Messrs. Muldrow,  
 Norwood,  
 Pickens, F. W.  
 Pickens, W. S.  
 Porter,  
 Reaves,  
 Richardson,  
 Sheridan,  
 Skipper,  
 Sullivan,  
 Thomson, Thos.  
 Tillman,  
 Wallace, Wm.  
 Wallace, W. H.  
 Wilson, W. T.  
 Winsmith.

So the report was not agreed to.

On motion of Mr. DAWKINS, leave of absence for the remainder of the session was granted to Mr. Reed, on account of indisposition in his family.

SPECIAL ORDER, 1 O'CLOCK, P. M.

On motion of Mr. MOSES, the Convention proceeded to the consideration of the report of the Committee on the Judicial Department, relative to colored persons being permitted to testify in certain cases; which had been made the Special Order of the Day, for this day, at 11 o'clock A. M.; and

On motion of Mr. MOSES, the Special Order was discharged, and the same was made the Special Order of the Day for to-morrow, 10 o'clock M.

On motion of Mr. SULLIVAN, the Convention was adjourned at forty-five minutes past 10 o'clock P. M.

JOHN T. SLOAN,  
 Clerk of the Convention.



TUE

At the hour to which the Convention had adjourned, Mr. Pringle took the Chair, and the proceedings were opened.

The Clerk called the roll of the members and their names:

Messrs. Alderson, Anderson, Ball, Barnes, Beatty, Black, Blair, Bolling, Boozer, Boyce, Boyd, Brailsford, Bratton, Bryce, Bull, Byrd, Campbell, Cannon, Carlisle, Chisolm, Farrow, Fishburne, Fox, Frierson, Frost, Furman, Gaillard, John G., Gaillard, P. C., Gilliland,



TUESDAY, SEPTEMBER 26.

Messrs. Goodwyn, A. D.  
 Goodwyn, T. J.  
 Gourdin,  
 Hammond,  
 Hearst,  
 Hemphill,  
 Honery,  
 Herndon,  
 Huger,  
 Inglis,  
 James,  
 Johnson,  
 Jones,  
 Keenan,  
 Latimer,  
 Leo,  
 Lesesne,  
 Macbeth,  
 Martin,  
 Melchers,  
 Melton,  
 Milling,  
 Mills, Jr.  
 McCauley,  
 McDuffie,  
 McGowan,  
 McIver,  
 McMaster,  
 McMichael,  
 Mobley,  
 Moore,  
 Morgan,  
 Moses,  
 Muldrow,  
 Norwood,

Messrs. Orr,  
 Perry,  
 Pickens, F. W.  
 Pickens, W. S.  
 Porter,  
 Ravenel,  
 Reaves,  
 Richardson,  
 Rion,  
 Robertson,  
 Rose,  
 Ross,  
 Schnierlo,  
 Sheridan,  
 Skipper,  
 Simonton,  
 Sims,  
 Smart,  
 Sullivan,  
 Summer,  
 Stewart,  
 Taylor,  
 Thompson, J. G.  
 Thompson, Thos.  
 Tillman,  
 Wagener,  
 Wallace, W. H.  
 Wallace, Wm.  
 Weatherley,  
 Wilson, John  
 Wilson, W. T.  
 Winsmith,  
 Wylie,  
 Youmans.

The Journal of yesterday's proceedings was read.

Mr. ROBERTSON introduced the following resolutions, which were considered immediately and were agreed to :

*Resolved*, That the Clerk of this Convention be charged with the super-



vision of the printing of the Journal, Reports, Resolutions and Ordinances adopted by this Convention, in permanent form; that he prepare and have printed with the same a complete index, and that he be also charged with the distribution of the same, under the direction of the President; that he also shall prepare and have substantially bound, a correct manuscript copy of the Journal, to be deposited in the Secretary of State's office.

*Resolved*, That the Clerk be paid for said services and for services as Clerk of the Convention the same salary as was paid the Clerk of the House of Representatives in 1860.

On motion of Mr. FURMAN, the Convention proceeded to the consideration of the report of the Committee of Ways and Means on resolutions as to providing for the expenses of the Convention.

The report and accompanying Ordinance was agreed to, and the Ordinance was committed to the Engrossing Committee.

Mr. INGLIS, from the Revisory Committee, made a report on matters submitting a draft of the Constitution.

Mr. ANDREWS offered the following amendment, as a section for the Constitution:

SECTION 21. Every Bill which shall have passed the General Assembly, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration a majority of the whole representation of that House shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the whole representation of that other House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the journal of each House respectively. If any Bill shall not be returned by the Governor within two days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it. And, that time may always be allowed the Governor to consider Bills passed by the General Assembly, neither House shall read any Bill on the last day of its session, except such Bills as have been returned by the Governor as herein provided.

And the question being put, will the Convention agree thereto? it passed in the affirmative.



TUESDAY, SEPTEMBER 26.

Yea, 59; nays, 47.

The yeas and nays were requested, and are as follows:  
 Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,

Andrews,

Boatty,

Blair,

Bolling,

Boozer,

Boyce,

Braillsford,

Coogan,

Couner,

Dawkins,

Dunkin,

Evins,

Farrow,

Fox,

Furman,

Gaillard, John G.

Gilliland,

Goodwyn, T. J.

Gourdin,

Hammond,

Hoarst,

Hemphill,

Henry,

Herndon,

Huger,

Inglis,

Johnson,

Keenan,

Messrs. Latimer,

Lesesne,

Macbeth,

Martin,

Melchers,

Melton,

Mills, Jr.

McGowan,

McMaster,

Moore,

Norwood;

Orr,

Perry,

Pickens, W. S.

Ravenel,

Richardson,

Rion,

Robertson,

Rose,

Ross,

Simouton,

Smart,

Summer,

Taylor,

Thompson, J. G.

Wagener,

Wilson, John

Wylie,

Youmans.

Those who voted in the negative are

Messrs. Ball,

Barnett,

Black,

Boyd,

Messrs. Bratton,

Bryce,

Byrd,

Campbell,



## JOURNAL OF THE CONVENTION,

119

Messrs. Carlisle,  
 Chisolm,  
 DeLettre,  
 Dozier,  
 Dudley,  
 Dunovant,  
 DuPre,  
 Dwight,  
 Fishburne,  
 Frierson,  
 Frost,  
 Gaillard, P. C.  
 Goodwyn, A. D.  
 James,  
 Jones,  
 Lee,  
 Milling,  
 McCauley,  
 McDuffie,  
 McIver,

Messrs. McMichael,  
 Mobley,  
 Moses,  
 Muldrow,  
 Pickens, F. W.  
 Porter,  
 Reaves,  
 Sheridan,  
 Skipper,  
 Sims,  
 Sullivan,  
 Stewart,  
 Thomson, Thos.  
 Tillman,  
 Wallace, Wm.  
 Wallace, W. H.  
 Weatherley,  
 Wilson, W. T.  
 Winsmith.

So the Section was agreed to. The report was then agreed to, and the Constitution committed to the Engrossing Committee, and 500 copies were ordered to be printed.

The PRESIDENT laid before the Convention the following communication:

CASHIER VALLEY, NORTH CAROLINA, September 11, 1865.  
*To the President of the Convention of South Carolina.*

Mr: I have heard, though not officially, that I have been elected a member of the Convention from Richland District, and I write to say that I shall do myself the honor to take my seat as soon as I can reach Columbia. Unfortunately my means of transportation are just at present not in a condition to be used, but I hope to have them available very soon.

I have the honor to be, very respectfully, yours,

WADE HAMPTON.

Mr. MACBETH, from the Committee on Amendments to the Constitution, made an unfavorable report on resolution as to exempting real estate from levy and sale; which was considered immediately.

Mr. JAMES moved that the report and accompanying resolution be laid



TUESDAY, SEPTEMBER 26.

on the table. And the question being put, will the Convention agree thereto? it passed in the affirmative,

Yea, 75; nays, 23.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative, &c.

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,

Andrews,

Barnett,

Bolling,

Boozer,

Boyce,

Boyd,

Brailsford,

Bratton,

Bryce,

Carlisle,

Coogan,

Conner,

Dawkins,

Dozier,

Dudley,

Dunkin,

DuPre,

Dwight,

Evins,

Farrow,

Fishburne,

Fox,

Frierson,

Frost,

Gaillard, John G.

Gaillard, P. C.

Gourdin,

Hearst,

Hemphill,

Henry,

Herndon,

Huger,

Messrs. Inglis,

James,

Kdenan,

Lee,

Lesesne,

Macbeth,

Martin,

Melchers,

Milling,

Mills, Jr.

McDuffie,

McGowan,

McIver,

McMaster,

McMichael,

Moore,

Moses,

Muldrow,

Orr,

Pickens, W. S.

Ravenel,

Reaves,

Richardson,

Rion,

Robertson,

Rose,

Schnierle,

Simonton,

Sims,

Smart,

Sullivan,

Taylor,

Thompson, J. G.



JOURNAL OF THE CONVENTION,

121

Messrs. Thomson, Thos.	Messrs. Wilson, John
Wagener,	Wilson, W. T.
Wallace, Wm.	Winsmith,
Wallace, W. H.	Wylie.

Those who voted in the negative are

Messrs. Beatty,	Messrs. Melton,
Black,	McCauley,
Blair,	Mobley,
Campbell,	Pickens, F. W.
Cannon,	Ross,
Chisholm,	Sheridan,
Dunovant,	Skipper,
Goodwyn, A. D.	Summer,
Goodwyn, T. J.	Stewart,
Hammond,	Tillman,
Johnson,	Youmans.
Jones,	

So the report and accompanying resolution were ordered to be laid on the table.

Mr. LESESNE, from the Judicial Department, made a report on the proposed addition to the 14th Section of an Ordinance to declare in present force the Constitution and Laws heretofore enforced; which was ordered to be laid on the table.

SPECIAL ORDER.

On motion of Mr. LESESNE, the Convention proceeded to the consideration of the report of the Committee on the Judiciary on resolution as to colored persons being permitted to testify in certain cases; which had been made the Special Order of the Day for this day, at 12 o'clock M.

Also, resolution by Mr. MACBETH, relative to the same subject.

Mr. MOSES moved that the report and accompanying resolutions and ordinance proposed, be referred to the Commission to be appointed by the Provisional Governor, and the question being put, will the Convention agree thereto? it passed in the affirmative.

Yens, 98; nays, 3.

The yeas and nays were requested and are as follows:

Those who voted in the affirmative are



TUESDAY, SEPTEMBER 26.

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,	Messrs. Hemphill,
Andrews,	Henery,
Barnett,	Herndon,
Bratty,	Huger,
Blair,	Inglis,
Bolling,	James,
Boozer,	Johnson,
Boyce,	Jones,
Boyd,	Keenan,
Brailsford,	Latimer,
Bratton,	Lee,
Bryce,	Lesesne,
Byrd,	Macbeth,
Campbell,	Martin,
Cannon,	Melchers,
Carlisle,	Melton,
Chisolm,	Milling,
Coogan,	Mills, Jr.
Conner,	McCanley,
Dawkins,	McDuffie,
DeLettre,	McGowan,
Dozier,	McIver,
Dudley,	McMaster,
Dunkin,	McMichael,
Dunovant,	Mobley,
DuPro,	Moore,
Dwight,	Moses,
Evins,	Muldrow,
Farrow,	Norwood,
Fishburne,	Orr,
Fox,	Pickens, F. W.
Frierson,	Pickens, W. S.
Furman,	Porter,
Gaillard, J. G.	Ravenel,
Gaillard, P. C.	Reaves,
Goodwyn, A. D.	Richardson,
Goodwyn, T. J.	Rion,
Gourdin,	Robertson,
Hearst,	Rose,



JOURNAL OF THE CONVENTION,

123

Messrs. Schnierle,  
Sheridan,  
Skipper,  
Simonton,  
Sims,  
Smart,  
Sullivan,  
Summer,  
Stewart,  
Taylor,

Messrs. Thomson, Thos.  
Tillman,  
Wagener,  
Wallace, Wm.  
Wallace, W. H.  
Wilson, John  
Wilson, W. T.  
Winsmith,  
Youmans.

Those who voted in the negative are

Messrs. Frost,  
Thompson, J. G.

Messrs. Wylie.

So the motion was agreed to.

The Convention recessed from business at 3 o'clock P. M. until 7 o'clock P. M.

RECESS.

The PRESIDENT resumed the Chair:

Mr. DAWKINS, from the Committee on Ordinances and Resolutions, made a report on resolution in relation to the residence required as a qualification for a member of the General Assembly; which was considered immediately and was agreed to.

On motion of Mr. MELTON, the Convention proceeded to the consideration of an Ordinance to provide for the first ensuing election of Governor and Lieutenant-Governor and for members of the first ensuing General Assembly of the State of South Carolina.

The Ordinance, after having been amended, was passed and was ordered to be committed to the Engrossing Committee.

On motion of Mr. DUNKIN, the Convention proceeded to the consideration of the report of the Special Committee on resolution as to the representation of this State in the Congress of the United States.

Mr. BOLLING moved that the report be recommitted to the Committee, with instructions to provide for five instead of four members in the next Congress, on the basis recognized by the Constitution of the United States.

Mr. DOZIER moved that the motion be laid on the table; and the question being put, will the Convention agree thereto? it passed in the affirmative.



TUESDAY, SEPTEMBER 26.

Yea, 98; nays, 1.

The yeas and nays were requested and are as follows:  
 Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrich,  
 Ball,  
 Barnett,  
 Beatty,  
 Black,  
 Blair,  
 Boozer,  
 Boyce,  
 Boyd,  
 Brailsford,  
 Bratton,  
 Bryce,  
 Campbell,  
 Caanon,  
 Carlisle,  
 Chisolm,  
 Coogan,  
 Conner,  
 Dawkins,  
 DeLettre,  
 Dozier,  
 Dudley,  
 Dunkin,  
 Dunovant,  
 DuPro,  
 Dwight,  
 Evins,  
 Farrow,  
 Fishburne,  
 Fox,  
 Frierson,  
 Frost,  
 Furman,  
 Gaillard, John G.  
 Gaillard, P. C.  
 Goodwyn, A. D.

Messrs. Goodwyn, T. J.  
 Hammond,  
 Hearst,  
 Hemphill,  
 Henery,  
 Herndon,  
 Huger,  
 Inglis,  
 James,  
 Johnson,  
 Jones,  
 Keenan,  
 Lee,  
 Lesesne,  
 Macbeth,  
 Martin,  
 Melchers,  
 Melton,  
 Milling,  
 Mills,  
 McCauley,  
 McDuffle,  
 McGowan,  
 McIver,  
 McMaster,  
 McMichael,  
 Mobley,  
 Moore,  
 Moses,  
 Muldrow,  
 Norwood,  
 Orr,  
 Perry,  
 Pickens, F. W.,  
 Pickens, W. S.,  
 Porter,



Messrs. Ravanel,  
 Reaves,  
 Richardson,  
 Rion,  
 Robertson,  
 Ross,  
 Skipper,  
 Simonton,  
 Sims,  
 Smart,  
 Sullivan,  
 Summer,  
 Stewart,

Messrs. Taylor,  
 Thompson, J. G.  
 Thompson, Thos  
 Tillman,  
 Wagener,  
 Wallace, Wm.  
 Wallace, W. H.  
 Weatherly,  
 Wilson, John  
 Wilson, W. T.  
 Winsmith,  
 Wylic.  
 Youmans.

Mr. Belling voted in the negative.

So the motion was ordered to be laid on the table.

The report was then agreed to, and was recommitted to the Committee, with instructions to report an Ordinance in conformity with the report.

Mr. CONNIER, from the Special Committee, submitted memorials to His Excellency the President of the United States in behalf of Hon. Jefferson Davis, of Mississippi, and Hon. A. H. Stephens, of Georgia; also, in behalf of Hon. A. G. Magrath and Hon. George A. Trenholm, citizens of South Carolina; which were considered immediately, were unanimously agreed to, and were referred to the Engrossing Committee.

Mr. CONNIER presented the following resolution, which was considered immediately and was agreed to:

*Resolved*, That Hon. D. L. Wardlaw, Hon. Alfred Huger and Hon. T. N. Dawkins, be a Committee to present to His Excellency the President of the United States, the memorials of the Convention in behalf of the Hon. Jefferson Davis and A. H. Stephens, and of the Hon. A. G. Magrath and George A. Trenholm; and that the expenses of said Committee be defrayed out of the funds raised under the Ordinance of this Convention.

On motion of Mr. McGOWAN, the Convention proceeded to the consideration of the report of the Committee on the Judicial Department on an Ordinance to declare in present force the Constitution and Laws heretofore in force, &c.; also, the resolutions submitted by Mr. McGowan on the same subject.



WEDNESDAY, SEPTEMBER 27.

On motion of Mr. RION, the same was made the Special Order of the Day for to-morrow, at 11 o'clock A. M.

Mr. DUNKIN, from the Special Committee, made a report and reported an Ordinance to divide the State into four Congressional Districts; which was passed and was committed to the Engrossing Committee.

Mr. SIMONTON introduced the following resolution, which was considered immediately and was agreed to:

*Resolved*, By the Delegates of the people of South Carolina, in Convention assembled, that we endorse the administration of President Johnson, that we cordially approve the mode of pacification proposed by him, and that we will co-operate with him in the wise measures he has inaugurated for seeming peace and prosperity for the whole Union.

On motion of Mr. ORR, the Convention was adjourned at half-past 9 o'clock P. M.

JOHN T. SLOAN,  
Clerk of the Convention.

WEDNESDAY, SEPTEMBER 27, 1865.

At the hour to which the Convention was adjourned, the PRESIDENT took the Chair, and the proceedings were opened with prayer by Rev. Bruce Walker.

The Clerk called the roll, when the following members answered to their names:

Messrs. Aldrich,

Andrews,  
Ball,  
Barnett,  
Beatty,  
Black,  
Blair,

Messrs. Bolling,

Boozer,  
Boyce,  
Boyd,  
Brafsford,  
Bratton,  
Bryce,



Messrs. Bull,	Messrs. Latimer,
Byrd,	Lee,
Campbell,	Lesesne,
Cannon,	Macbeth,
Carlisle,	Martin,
Chisolm,	Melchers,
Coogan,	Melton,
Connor,	Milling,
Dawkins,	Mills, Jr.
DeLettre,	McCauley,
Dozier,	McDuffie,
Dudley,	McGowan,
Dunkin,	McIver,
Dunovant,	McMaster,
DuPre,	McMichael,
Dwight,	Mobley,
Evins,	Moore,
Farrow,	Morgan,
Fishburne,	Moses,
Fox,	Muldrow,
Frierson,	Norwood,
Frost,	Orr,
Furman,	Perry,
Gaillard, John G.	Pickens, F. W.
Gaillard, P. C.	Pickens, W. S.
Gilliland,	Porter,
Goodwyn, A. D.	Ravenel,
Goodwyn, T. J.	Reaves,
Gourdin,	Richardson,
Hammond,	Rion,
Hearst,	Rutherford,
Hemphill,	Rose,
Henry,	Ross,
Herndon,	Schnierle,
Hugor,	Sheridan,
Inglis,	Skipper,
James,	Simonton,
Johnson,	Sims,
Jones,	Smart,
Keenan,	Sullivan,



WEDNESDAY, SEPTEMBER 27.

**Messrs.** Sumner,  
Stewart,  
Taylor,  
Thompson, J. G.  
Thomson, Thos.  
Tillman,  
Waigener,  
Wallace, W. H.

**Messrs.** Wallace, Wm.  
Weatherley,  
Wilson, John  
Wilson, W. T.  
Winsmith,  
Wylie,  
Yeumans.

The Journal of yesterday's proceedings was read.

Mr. McMaster presented the contingent account of Theodore Stark Keeper of the State House, for expenses of the Convention; which was referred to the Committee of Ways and Means.

#### SPECIAL ORDER.

On motion of Mr. ORR, the Convention proceeded to the consideration of the report of the Committee on the Judicial Department, on an Ordinance to declare in present force the Constitution and Laws heretofore in force, &c.; also,

Report of the same Committee on the amendment proposed by Mr. McGOWAN, which had been made the Special Order of the day, for this day at 11 o'clock A. M.

Mr. SIMONTON moved the following, as a substitute for the proviso to the 4th section of the Ordinance proposed by the Committee:

*"Provided,* That in every action, arising on any contract, whether under seal, written or oral, made between the first day of January, A. D. 1862, and the fifteenth of May, A. D. 1865, it shall be lawful for either party to the action, to introduce testimony showing the true value and real character of the consideration of such contract, at the time it was made, so that regard being had to the particular circumstances of each case, such verdict or decree may be rendered as will effect substantial justice between the parties."

And the question being put, will the Convention agree thereto? it passed in the affirmative.

Yea, 84; nays, 15.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are

Hon. D. L. WARDLAW, President, and



## JOURNAL OF THE CONVENTION,

129

Messrs., Aldrich,	Messrs. Lee,
Ball,	Lesesne,
Barnett,	Martin,
Blair,	Melchers,
Boyce,	Melton,
Boyd,	Milling,
Brailsford,	McCauley,
Bratton,	McDuffie,
Bryce,	McGowan,
Byrd,	McIver,
Campbell,	McMaster,
Cannon.	McMichael,
Carlisle,	Mobley,
Chisolm,	Moore,
Coogan,	Moses,
Conner,	Muldrow,
DeLettre,	Norwood,
Dunkin,	Orr,
Dunovant,	Perry,
DuPre,	Pickens, W. S.
Dwight,	Porter,
Evins,	Reaves,
Farrow,	Richardson,
Fishbuane,	Rion,
Frierson,	Robertson,
Frost,	Rose,
Furman,	Schnieckle,
Gaillard, J. G.	Sheridan,
Goodwyn, A. D.	Skipper,
Goodwyn, T. J.	Simonton,
Gourdin,	Sims,
Hammond,	Smurt,
Hearst,	Summer,
Hemphill,	Taylor,
Henery,	Thomson, Thos.
Herndon,	Tillman,
Huger,	Wallace, Wm.
James,	Wallace, W. H.
Johnson,	Weatherly,
Jones,	Wilson, John



WEDNESDAY, SEPTEMBER 27.

Messrs. Wilson, W. T.  
Wimsith.

Messrs. Youmans.

Those who voted in the negative are

Messrs. Andrews,  
Boozer,  
Dawkins,  
Dozier,  
Dudley,  
Fox,  
Inglis,  
Keenan,Messrs. Tatimer,  
Macbeth,  
Mills, Jr.  
Pickens, F. W.  
Sullivan,  
Thompson, J. G.  
Wagener.

So the amendment was substituted. The ordinance was then passed, and committed to the Engrossing Committee.

Message No. 2 was then received from his Excellency the Provisional Governor, and was read by his Private Secretary, W. H. Perry, Esq.

## TO THE MEMBERS OF THE CONVENTION.

EXECUTIVE DEPARTMENT, SOUTH CAROLINA, Sept. 27, 1865.

*Mr. President and Gentlemen of the Convention:*

I congratulate you and our country on the happy termination of your labors, which I hope and trust will be the means of restoring South Carolina to all of her civil and political rights as a member of the Federal Union.

You have repealed the Ordinance of Secession, abolished slavery, equalized the representation in the Senate, given the election of Governor to the people, expressed your judgment in regard to the election of Presidential Electors by the people, established equal taxation throughout the State, and declared the responsibility of the representative to his constituency by *viva voce* voting in the Legislature.

You have endorsed the administration of President Johnson, and pledged yourselves to co-operate with him in "the wise measures he has inaugurated for securing peace and prosperity to the whole Union." And you have referred to a Commission the protection of the "Freedmen" and colored population of the State, whose business it will be to submit to the Legislature a wise code of laws to regulate the relative duties of the employee and employer.

Under your new Constitution, which will inspire our people with Demo-



eratic zond, energy and industry, I confidently expect to see South Carolina redeem herself and be more prosperous and happy in the future than she ever has been in the past.

Gentlemen, I bid you farewell; and may you speedily return to your homes, and long live to enjoy the "*well done*" of your constituency for your arduous and patriotic services in restoring your country to order, government and civil liberty.

B. F. PERRY.

On motion of Mr. ORR, the message was ordered to be laid on the table, and was ordered to be printed.

Mr. FURMAN, from the Committee of Ways and Means, made a report on the account of Theo. Stark; which was considered immediately, and was agreed to.

Mr. FURMAN introduced the following resolution; which was considered immediately, and was agreed to.

*Resolved*, That the Keeper of the State House take charge of the various articles procured for the use of the Convention, and which have not been consumed, and hold them subject for the use of the General Assembly.

Also, introduced the following resolution; which was considered immediately, and was agreed to:

*Resolved*, That the sum of two hundred dollars be appropriated as compensation for the use of the building in which the meetings of the Convention have been held.

Mr. J. G. THOMPSON presented a petition; which was ordered to be laid on the table.

Mr. JNTLIS introduced the following resolution:

*Resolved*, That when this Convention adjourns, it shall be adjourned to meet at such time and place as the President shall appoint, who is authorized, if, in his opinion, the public exigencies shall require, by notice under his hand duly published, to assemble the Convention at any time before the first day of January next ensuing; and that he appoint a committee of five, a majority of whom, or the survivors or successors of such majority, in case of the death or disqualification of the President, shall have like authority to assemble the Convention, and appoint a time and place for its meeting; and in case the Convention should not be assembled before the first day of January ensuing, then this Convention shall be dissolved.



WEDNESDAY, SEPTEMBER 27.

On motion of Mr. McMASTER, the resolution was amended by striking out "January," and inserting "March," and the question being put, will the Convention agree thereto? it passed in the negative.

Yea, 24; nays, 57.

The yeas and nays were requested, and are as follows:

Those who voted in the affirmative are

Messrs. Andrews,

Boozer,  
Byrd,  
Chisolm,  
Coogan,  
DeLettre,  
Dudley,  
DuPre,  
Dwight,  
Evins,  
Fox,  
Herndon,

Messrs. Inglis,

James,  
McMaster,  
Muldrum,  
Orr,  
Richardson,  
Robertson,  
Rose,  
Taylor,  
Thompson, J. G.  
Tillman,  
Wilson, John

Those who voted in the negative are

Hon. D. L. WARDLAW, President, and

Messrs. Aldrieh,

Barnett,  
Blair,  
Boyce,  
Brailsford,  
Bratton,  
Campbell,  
Carlisle,  
Conner,  
Dawkins,  
Dozier,  
Dunkin,  
Farrow,  
Fishburne,  
Frost,  
Furman,  
Gaillard, John G.

Messrs. Hearst,

Henry,  
Huger,  
Johnson,  
Jones,  
Keenan,  
Lee,  
Lesesne,  
Macbeth,  
Martin,  
Melchers,  
Melton,  
Milling,  
Mills, Jr.  
McDuffie,  
McGowan,  
McIver,



JOURNAL OF THE CONVENTION,

133

Messrs. McMichael,	Messrs. Simonton,
Mobley,	Sullivan,
Moore,	Summer,
Norwood,	Smart,
Perry,	Wagener,
Pickens, F. W.	Wallace, Wm.
Pickens, W. S.	Wallace, W. H.
Porter,	Weatherley,
Reaves,	Wilson, W. T.
Rion,	Winsmith,
Sheridan,	Youmans.

So the resolution was not agreed to.

Mr. MELTON, from the Engrossing Committee, made the following report:

The Engrossing Committee respectfully report,

That the Constitution of the State has been engrossed and is herewith reported for ratification.

They also report for ratification the following engrossed Ordinances, to wit:

An Ordinance to divide the State into four Congressional Districts.

An Ordinance to provide for the expenses of the Convention.

An Ordinance to provide for the first ensuing election of Governor and Lieutenant-Governor, and for members of the first ensuing General Assembly of the State of South Carolina.

Respectfully submitted,

C. D. MELTON, Chairman.

IN CONVENTION, September 27, 1865.

Whereupon the Ordinance was ratified in due form.

Mr. MOSES asked and obtained leave to record the vote he would have given, if present, on resolution offered by Mr. Inglis, as to the adjournment of the Convention. And Mr. Moses being called, answered No.

On motion of Mr. MELTON,

*Ordered*, That this Convention be adjourned *sine die*, this day, at 8 o'clock P. M.

The Convention recessed from business at 3 o'clock P. M., until 7 o'clock P. M.



WEDNESDAY, SEPTEMBER 27.

## RECESS.

Mr. MELTON, from the Engrossing Committee, made the following report :

The Engrossing Committee ask leave to report herewith, for ratification, an Ordinance entitled "An Ordinance to declare in force the Constitution and laws heretofore in force in this State, and the Acts, official, public and private done, and appointments and elections made, under authority of the same."

Respectfully submitted,

C. D. MELTON, Chairman Committee.

COLUMBIA, Sept. 27, 1865.

Whereupon the Ordinance was ratified in due form.

Mr. MELTON introduced the following resolution, which was considered immediately, and was agreed to :

*Resolved*, That a pay bill do issue to Mr. John D. Alexander for the sum of thirty dollars, as compensation for his services in engrossing the Constitution of the State of South Carolina.

Mr. INGLIS introduced the following resolution, which was considered immediately, and was agreed to :

*Resolved*, That the General Assembly be requested to have the Constitution of the State, adopted by this Convention, together with the several Ordinances and Resolutions passed, published with the Acts and Resolutions of the General Assembly, at its next session.

*Resolved*, That the Clerk of this Convention communicate this resolution to the General Assembly at an early day of its session.

On motion of Mr. ORR,

*Ordered*, That all Reports, Resolutions and other papers which have not been disposed of by the Convention, be laid on the table.

On motion of Mr. LESESNE, the Convention resolved itself into Committee of the Whole, Mr. DUNKIN in the Chair.

The PRESIDENT resumed the Chair.

Mr. DUNKIN, from the Committee of the Whole, made a report, and reported the following resolution as having been unanimously adopted by the Committee of the Whole :



*Resolved*, That the acknowledgments of the Convention are hereby cordially rendered to the Hon. D. L. Wardlaw for the ability and elegance which he has exhibited in discharging the important and delicate duties of the Chair.

Whereupon the PRESIDENT addressed the Convention as follows:

*Gentlemen of the Convention:*

This new testimony of the flattering appreciation which your kindness has bestowed upon my humble services, demands from me a renewed expression of my thanks. Gentlemen, I thank you. I have no words adequate to express my emotions. I trust you will not believe that I feel less deeply, because I make no further attempt to tell you what I feel.

As I expected, gentlemen; when you elected me to this seat, your demeanor has saved me from the troubles and embarrassments which often task the powers of a presiding officer. It must be gratifying to you to remember, as it has been pleasant for me to experience, that, throughout your session, your debates have been uniformly attended by the courtesy which characterizes gentlemen—the representatives of a generous people. All who have looked upon your proceedings must have marked your diligence. You have made great changes in our fundamental law. You have inaugurated a new era in the history of the State. Let us pray that it may be the opening of a brighter prospect in the future. It is now our duty to secure a fair trial to our experiment, to resist idle clamor and ill-considered opposition, and by moderation, industry and devoted patriotism, to re-establish peace, order and prosperity.

Our Convention will soon be dissolved. We cannot hope that we shall all ever meet again in one body. The heads which are whitened by age, may, in the course of nature, be expected to fall first; but of young and old—of all—our State has need. Let it be the resolve of every one in his sphere to give to her, in her destitution and distress, his whole energies and utmost efforts.

We now separate, after earnest work and pleasant intercourse. I wish to every one of you a safe return to his home, and a happy enjoyment of the fruits of his labors.

On motion of Mr. ROBERTSON, the Convention was adjourned *sine die*, at 8 o'clock P. M.

JOHN T. SLOAN,  
Clerk of the Convention.



---

CONSTITUTION  
OF THE  
STATE OF SOUTH CAROLINA.



# CONSTITUTION.

*We, the people of the State of South Carolina, by our Delegates in Convention met, do ordain and establish this Constitution for the Government of the said State:*

## ARTICLE I.

SECTION 1. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen by ballot, every second year, by the citizens of this State, qualified as in this Constitution is provided.

SECTION 3. Each Judicial District in the State shall constitute one Election District, except Charleston District, which shall be divided into two Election Districts; one consisting of the late Parishes of St. Philip and St. Michael, to be designated the Election District of Charleston; the other, consisting of all that part of the Judicial District, which is without the limits of the said Parishes, to be known as the Election District of Berkeley.

SECTION 4. The boundaries of the several Judicial and Election Districts shall remain as they are now established.

SECTION 5. The House of Representatives shall consist of one hundred and twenty-four Members, to be apportioned among the several Election Districts of the State, according to the number of white inhabitants contained in each, and the amount of all taxes raised by the General Assembly, whether direct or indirect, or of whatever species, paid in each, deducting therefrom all taxes paid on account of property held in any other



District, and adding thereto all taxes elsewhere paid on account of property held in such District. An enumeration of the white inhabitants, for this purpose, was made in the year one thousand eight hundred and fifty-nine, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed; and Representatives shall be assigned to the different Districts in the above-mentioned proportion, by Act of the General Assembly at the session immediately succeeding every enumeration: *Provided*, that until the apportionment, which shall be made upon the next enumeration, shall take effect, the representation of the several Election Districts, as herein constituted, shall continue as assigned at the last apportionment, each District which has been heretofore divided into smaller Districts, known as Parishes, having the aggregate number of Representatives which the Parishes heretofore embraced within its limits have had since that apportionment, the Representative to which the Parish of All Saints has been heretofore entitled, being, during this interval, assigned to Horry Election District.

SECTION 6. If the enumeration herein directed shall not be made in the course of the year appointed for the purpose, it shall be the duty of the Governor to have it effected as soon thereafter as shall be practicable.

SECTION 7. In assigning Representatives to the several Districts, the General Assembly shall allow one Representative for every sixty-second part of the whole number of white inhabitants in the State, and one Representative also for every sixty-second part of the whole taxes raised by the General Assembly. There shall be further allowed one Representative for such fractions of the sixty-second part of the white inhabitants, and of the sixty-second part of the taxes, as when added together form a unit.

SECTION 8. All taxes upon property, real or personal, shall be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax. In the first apportionment which shall be made, under this Constitution, the amount of taxes shall be estimated from the average of the two years next preceding such apportionment; but in every subsequent apportionment, from the average of the ten years then next preceding.

SECTION 9. If, in the apportionment of Representatives, any Election District shall appear not to be entitled from its population and its taxes to a Representative, such Election District shall nevertheless send one Representative; and, if there be still a deficiency of the number of Repre-



sentatives required by section fifth, such deficiency shall be supplied by assigning Representatives to those Election Districts having the largest surplus fractions, whether those fractions consist of a combination of population and taxes, or of population or taxes separately, until the number of one hundred and twenty-four Members be made up: *Provided, however,* that not more than twelve Representatives shall, in any apportionment, be assigned to any one Election District.

SECTION 10. No apportionment of Representatives shall be construed to take effect, in any manner, until the general election which shall succeed such apportionment.

SECTION 11. The Senate shall be composed of one member from each Election District, except the Election District of Charleston, to which shall be allowed two Senators.

SECTION 12. Upon the meeting of the first General Assembly which shall be chosen under the provisions of this Constitution, the Senators shall be divided, by lot, into two classes; the seats of the Senators of the one class to be vacated at the expiration of two years after the Monday following the general election, and of those of the other class at the expiration of four years; and the number of these classes shall be so proportioned that one-half of the whole number of Senators may, as nearly as possible, continue to be chosen thereafter every second year.

SECTION 13. No person shall be eligible to, or take or retain, a seat in the House of Representatives, unless he is a free white man, who hath attained the age of twenty-one years, hath been a citizen and resident of this State three years next preceding the day of election, and hath been for the last six months of this time, and shall continue, a resident of the District which he is to represent.

SECTION 14. No person shall be eligible to, or take or retain, a seat in the Senate, unless he is a free white man, who hath attained the age of thirty years, hath been a citizen and resident of this State five years next preceding the day of election, and hath been, for the last six months of this time, and shall continue to be, a resident of the District which he is to represent.

SECTION 15. Senators and Members of the House of Representatives shall be chosen at a general election on the third Wednesday in October in



## CONSTITUTION.

the present year, and on the same day in every second year thereafter, in such manner and for such terms of office as are herein directed. They shall meet on the fourth Monday in November, annually, at Columbia, (which shall remain the seat of Government, until otherwise determined by the concurrence of two-thirds of both branches of the whole representation,) unless the casualties of war or contagious disorders shall render it unsafe to meet there; in either of which cases, the Governor, or Commander-in-chief, for the time being, may, by proclamation, appoint a more secure and convenient place of meeting.

SECTION 16. The terms of office of the Senators and Representatives chosen at a general election shall begin on the Monday following such election.

SECTION 17. Each House shall judge of the elections, returns and qualifications of its own Members; and a majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent Members, in such manner and under such penalties as may be provided by law.

SECTION 18. Each House shall choose its own officers, determine its rules of proceeding, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member, but not a second time for the same cause.

SECTION 19. Each House may punish, by imprisonment, during its sitting, any person, not a Member, who shall be guilty of disrespect to the House by any disorderly or contemptuous behavior in its presence; or who, during the time of its sitting, shall threaten harm to body or estate of any Member for any thing said or done in either House, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the House, in his going thereto, or returning therefrom, or who shall rescue any person arrested by order of the House.

SECTION 20. The Members of both Houses shall be protected in their persons and estates during their attendance on, going to, and returning from, the General Assembly, and ten days previous to the sitting, and ten days after the adjournment thereof. But these privileges shall not be ex-



tended so as to protect any Member who shall be charged with treason, felony, or breach of the peace.

SECTION 21. Bills for raising a revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; and all other bills may originate in either House, and may be amended, altered or rejected by the other.

SECTION 22. Every Act or Resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

SECTION 23. No bill shall have the force of law until it shall have been read three times, and on three several days, in each House, has had the seal of the State affixed to it, and has been signed in the Senate House by the President of the Senate and the Speaker of the House of Representatives.

SECTION 24. No money shall be drawn out of the Public Treasury but by the legislative authority of the State.

SECTION 25. In all elections by the General Assembly, or either House thereof, the members shall vote "*viva voce*," and their votes, thus given, shall be entered upon the journals of the House to which they respectively belong.

SECTION 26. The Members of the General Assembly, who shall meet under this Constitution, shall be entitled to receive out of the Public Treasury, for their expenses during their attendance on, going to and returning from the General Assembly, five dollars for each day's attendance, and twenty cents for every mile of the ordinary route of travel between the residence of the Member and the capital or other place of sitting of the General Assembly, both going and returning; and the same may be increased or diminished by law, if circumstances shall require; but no alteration shall be made to take effect during the existence of the General Assembly which shall make such alteration.

SECTION 27. Neither House, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the Assembly shall be, at the time, sitting.

SECTION 28. No person shall be eligible to a seat in the General Assem-



bly whilst he holds any office of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, army or navy of this State, Magistrates, or Justices of Inferior Courts, while such Justices receive no salaries; nor shall any contractor of the army or navy of this State, the United States of America, or any of them, or the agents of such contractor be eligible to a seat in either House. And if any Member shall accept or exercise any of the said disqualifying offices, he shall vacate his seat.

SECTION 29. If any Election District shall neglect to choose a member or members on the day of election, or if any person chosen a member of either House shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned, for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified, was elected to serve, or the defaulting Election District ought to have chosen a member or members.

SECTION 30. And whereas the ministers of the Gospel are, by their profession, dedicated to the service of God and the cure of souls, and ought not to be diverted from the great duties of their functions; therefore, no minister of the Gospel or public preacher of any religious persuasion, whilst he continues in the exercise of his pastoral functions, shall be eligible to the office of Governor, Lieutenant-Governor, or to a seat in the Senate or House of Representatives.

## ARTICLE II.

SECTION 1. The Executive authority of this State shall be vested in a Chief Magistrate, who shall be styled, The Governor of the State of South Carolina.

SECTION 2. The Governor shall be elected by the electors duly qualified to vote for members of the House of Representatives, and shall hold his office for four years and until his successor shall be chosen and qualified; but the same person shall not be Governor for two consecutive terms.

SECTION 3. No person shall be eligible to the office of Governor, unless



he hath attained the age of thirty years, and hath been a citizen and resident of this State for the ten years next preceding the day of election. And no person shall hold the office of Governor, and any other office or commission, civil or military, (except in the militia,) under this State or the United States, or any of them, or any other power, at one and the same time.

SECTION 4. The returns of every election of Governor shall be sealed up by the Managers of Elections in their respective Districts, and transmitted, by a messenger chosen by them, to the seat of Government, directed to the Secretary of State, who shall deliver them to the Speaker of the House of Representatives, at the next ensuing session of the General Assembly; during the first week of which session the Speaker shall open and publish them in the presence of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more shall be equal and highest in votes, the General Assembly shall, during the same session, in the House of Representatives, choose one of them Governor *viva voce*. Contested elections for Governor shall be determined by the General Assembly in such manner as shall be prescribed by law.

SECTION 5. A Lieutenant-Governor shall be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor, and shall *ex officio* be President of the Senate.

SECTION 6. The Lieutenant-Governor, acting as President of the Senate, shall have no vote, unless the Senate be equally divided.

SECTION 7. The Senate shall choose a President *pro tempore* to act in the absence of the Lieutenant-Governor, or when he shall exercise the office of Governor.

SECTION 8. A member of the Senate or of the House of Representatives being chosen and acting as Governor or Lieutenant-Governor shall, thereupon vacate his seat, and another person shall be elected in his stead.

SECTION 9. In case of the impeachment of the Governor or his removal from office, death, resignation, disqualification, disability or removal from the State, the Lieutenant-Governor shall succeed to his office, and in case of the impeachment of the Lieutenant-Governor or his removal from office, death, resignation, disqualification, disability or removal from the



State, the President *pro tempore* of the Senate shall succeed to his office; and when the offices of the Governor, Lieutenant-Governor and President *pro tempore* of the Senate shall become vacant in the recess of the Senate, the Secretary of State, for the time being, shall, by proclamation, convene the Senate, that a President *pro tempore* may be chosen to exercise the office of Governor for the unexpired term.

SECTION 10. The Governor shall be Commander-in-Chief of the Army and Navy of this State and of the militia, except when they shall be called into the actual service of the United States.

SECTION 11. He shall have power to grant reprieves and pardons after conviction, (except in cases of impeachment,) in such manner, on such terms and under such restrictions as he shall think proper, and he shall have power to remit fines and forfeitures, unless otherwise directed by law. It shall be his duty to report to the General Assembly at the next regular session thereafter all pardons granted by him, with a full statement of each case and the reasons moving him thereunto.

SECTION 12. He shall take care that the laws be faithfully executed in mercy.

SECTION 13. The Governor and Lieutenant-Governor shall, at stated times, receive for their services a compensation which shall be neither increased nor diminished during the period for which they shall have been elected.

SECTION 14. All officers in the Executive Department, when required by the Governor, shall give him information in writing upon any subject relating to the duties of their respective offices.

SECTION 15. The Governor shall, from time to time, give to the General Assembly information of the condition of the State, and recommend to their consideration such measures as he shall judge necessary or expedient.

SECTION 16. He may, on extraordinary occasions, convene the General Assembly, and should either House remain without a quorum for three days, or in case of disagreement between the two Houses with respect to the time of adjournment, may adjourn them to such time as he shall think proper, not beyond the fourth Monday of November then next ensuing.



SECTION 17. He shall commission all officers of the State.

SECTION 18. It shall be the duty of the Managers of Elections of this State, at the first general election under this Constitution, and at each alternate general election thereafter, to hold an election for Governor and Lieutenant-Governor.

SECTION 19. The Governor and the Lieutenant-Governor, before entering upon the duties of their respective offices, shall, in the presence of the General Assembly, take the oath of office prescribed in this Constitution.

SECTION 20. The Governor shall reside, during the sitting of the General Assembly, at the place where its session may be held; and the General Assembly may, by law, require him to reside at the Capital of the State.

SECTION 21. Every Bill which shall have passed the General Assembly, shall, before it become a law, be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration a majority of the whole representation of that House shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by a majority of the whole representation of that other House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the Bill shall be entered on the journal of each House respectively. If any Bill shall not be returned by the Governor within two days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it. And, that time may always be allowed the Governor to consider Bills passed by the General Assembly, neither House shall read any Bill on the last day of its session, except such Bills as have been returned by the Governor as herein provided.

### ARTICLE III.

SECTION 1. The judicial power shall be vested in such Superior and Inferior Courts of Law and Equity as the General Assembly shall, from time to time, direct and establish. The Judges of the Superior Courts shall be elected by the General Assembly, shall hold their offices during good



behavior, and shall, at stated times, receive a compensation for their services, which shall neither be increased nor diminished during their continuance in office; but they shall receive no fees or perquisites of office, nor hold any other office of profit or trust under this State, the United States of America, or any of them, or any other power. The General Assembly shall, as soon as possible, establish for each District in the State an Inferior Court or Courts, to be styled "The District Court," the Judge whereof shall be resident in the District while in office, shall be elected by the General Assembly for four years, and shall be re-eligible, which Court shall have jurisdiction of all civil causes wherein one or both of the parties are persons of color, and of all criminal cases wherein the accused is a person of color, and the General Assembly is empowered to extend the jurisdiction of the said Court to other subjects.

SECTION 2. The Judges shall meet and sit at Columbia, at such time as the General Assembly may by Act prescribe, for the purpose of hearing and determining all motions for new trials and in arrest of judgment, and such points of law as may be submitted to them, and the General Assembly may by Act appoint such other places for such meeting as in their discretion may seem fit.

SECTION 3. The style of all processes shall be, "The State of South Carolina." All prosecutions shall be carried on in the name and by the authority of the State of South Carolina, and conclude, "against the peace and dignity of the same."

#### ARTICLE IV.

In all elections to be made by the people of this State, or of any part thereof, for civil or political offices, every person shall be entitled to vote who has the following qualifications, to wit:

He shall be a free white man, who has attained the age of twenty-one years, and is not a pauper, nor a non-commissioned officer or private soldier of the army, nor a seaman or marine of the navy of the United States. He shall, for the two years next preceding the day of election, have been a citizen of this State; or, for the same period, an emigrant from Europe, who has declared his intention to become a citizen of the United States, according to the Constitution and Laws of the United States. He shall have resided in this State for at least two years next preceding the day of election, and, for the last six months of that time, in the District in which he offers to vote. *Provided, however, That the General Assembly may, by*



requiring a registry of voters, or other suitable legislation, guard against frauds in elections, and usurpations of the right of suffrage, may impose disqualification to vote as a punishment for crime, and may prescribe additional qualifications for voters in municipal elections.

## ARTICLE V.

All persons, who shall be elected or appointed to any office of profit or trust, before entering on the execution thereof, shall take (besides special oaths, not repugnant to this Constitution, prescribed by the General Assembly,) the following oath:

"I do swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the office to which I have been appointed, and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect and defend the Constitution of this State, and that of the United States. So help me God."

## ARTICLE VI.

SECTION 1. The House of Representatives shall have the sole power of impeaching, but no impeachment shall be made, unless with the concurrence of two-thirds of the House of Representatives.

SECTION 2. All impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present.

SECTION 3. The Governor, Lieutenant-Governor, and all civil officers, shall be liable to impeachment for high crimes and misdemeanors, for any misbehavior in office, for corruption in procuring office, or for any act which shall degrade their official character. But judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under this State. The party convicted shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

SECTION 4. All civil officers, whose authority is limited to a single Judicial District, a single Election District, or part of either, shall be appointed, hold their office, be removed from office, and, in addition to liability to



impeachment, may be punished for official misconduct, in such manner as the General Assembly, previous to their appointment, may provide.

SECTION 5. If any civil officer shall become disabled from discharging the duties of his office, by reason of any permanent bodily or mental infirmity, his office may be declared to be vacant, by joint resolution, agreed to by two-thirds of the whole representation in each House of the General Assembly: *Provided*, That such resolution shall contain the grounds for the proposed removal, and before it shall pass either House, a copy of it shall be served on the officer, and a hearing be allowed him.

#### ARTICLE VII.

SECTION 1. The Treasurer and the Secretary of State shall be elected by the General Assembly in the House of Representatives, shall hold their offices for four years, and shall not be eligible for the next succeeding term.

SECTION 2. All other officers shall be appointed as they hitherto have been, until otherwise directed by law; but the same person shall not hold the office of sheriff for two consecutive terms.

SECTION 3. All commissions shall be in the name and by the authority of the State of South Carolina, be sealed with the seal of the State, and be signed by the Governor.

#### ARTICLE VIII.

All laws of force in this State at the adoption of this Constitution, and not repugnant hereto, shall so continue until altered or repealed by the General Assembly, except where they are temporary, in which case they shall expire at the times respectively limited for their duration, if not continued by Act of the General Assembly.

#### ARTICLE IX.

SECTION 1. All power is originally vested in the people, and all free Governments are founded on their authority, and are instituted for their peace, safety and happiness.

SECTION 2. No person shall be taken, or imprisoned, or dispossessed of his freehold, liberties or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by due process of law; nor



shall any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, ever be passed by the General Assembly.

**SECTION 3.** The military shall be subordinate to the civil power.

**SECTION 4.** The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in case of rebellion or invasion, the public safety requires it.

**SECTION 5.** Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

**SECTION 6.** The General Assembly shall not grant any title of nobility, or hereditary distinction, nor create any office the appointment to which shall be for any longer time than during good behavior.

**SECTION 7.** The trial by jury, as heretofore used in this State, and the liberty of the press, shall be forever inviolably preserved. But the General Assembly shall have power to determine the number of persons who shall constitute the jury in the Inferior and District Courts.

**SECTION 8.** The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall be allowed, within this State, to all mankind: *Provided*, That the liberty of conscience hereby declared shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the State.

**SECTION 9.** The rights, privileges, immunities and estates of both civil and religious societies and of corporate bodies shall remain as if the Constitution of this State had not been altered or amended.

**SECTION 10.** The rights of primogeniture shall not be re-established, and there shall not fail to be some legislative provision for the equitable distribution of the estates of intestates.

**SECTION 11.** The slaves in South Carolina having been emancipated by the action of the United States authorities, neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever be re-established in this State.

#### ARTICLE X.

**SECTION 1.** The General Assembly, whenever a tax is laid upon land, shall,



at the same time, impose a capitation tax, which shall not be less upon each poll than one-fourth of the tax laid upon each hundred dollars worth of the assessed value of the land taxed; excepting, however, from the operation of such capitation tax all such classes of persons, as from disability or otherwise, ought, in the judgment of the General Assembly, to be exempted.

## ARTICLE XI.

SECTION 1. The business of the Treasury shall be conducted by one Treasurer, who shall hold his office and reside at the seat of Government.

SECTION 2. The Secretary of State shall hold his office and reside at the seat of Government.

## ARTICLE XII.

SECTION 1. No Convention of the people shall be called, unless by the concurrence of two-thirds of the whole representation in each House of the General Assembly.

SECTION 2. No part of this Constitution shall be altered, unless a bill to alter the same shall have been read on three several days in the House of Representatives, and on three several days in the Senate, and agreed to, at the second and third readings, by two-thirds of the whole representation in each House of the General Assembly; neither shall any alteration take effect, until the bill, so agreed to, shall be published for three months previous to a new election for members of the House of Representatives, and the alteration proposed by the preceding General Assembly shall be agreed to by the new General Assembly, in their first session, by the concurrence of two-thirds of the whole representation in each House, after the same shall have been read on three several days in each; then and not otherwise the same shall become a part of the Constitution.

Done in Convention at Columbia, in the State of South Carolina, the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and sixty-five.

D. L. WARDLAW,  
President of the Convention.

Attest: JOHN T. SLOAN,  
Clerk of the Convention. X



---

**REPORTS, RESOLUTIONS, ETC.**

---







## REPORTS OF COMMITTEES.

### REPORT OF SPECIAL COMMITTEE ON MATTER OF ELECTION OF DELEGATE FROM ST. LUKE'S.

The Special Committee, to whom was referred the matter of the election of a Delegate to this Convention from the Parish of St. Luke, ask leave respectfully to report :

That they have given a careful consideration to the same, and find the following to be the facts :

The Parish comprises four election precincts, three of them on the main, to wit : Grahamville, Gillisonville and Fording Island Road, and one on Hilton Head Island, and is entitled to one Delegate in this Convention.

On Monday, the 4th instant, the polls were opened at Grahamville; Gillisonville and Fording Island Road, by the legally constituted Managers for those precincts, the vacancies having been filled by special appointments made in writing by the Senator and Representative lately representing the Parish in the Legislature, as directed by Governor Perry's Proclamation of the 23d of August. These Managers assembled at the place designated by law for the counting of votes in the Parish, on Thursday, the 7th instant, being the day fixed by law, and thereto counted the votes and declared the election. Seventy-six votes appear to have been polled at these three precincts, of which Mr. Leroy F. Youmans received seventy-five. A certificate of election was thereupon furnished to Mr. Youmans, which he presents and claims the seat.

On Hilton Head Island an election was also held on Monday, the 4th instant. This island, ordinarily polling ten or fifteen votes, and never known to exceed twenty, has been largely peopled since its occupation by the Federal Army in November, 1861, by persons chiefly from the Northern States, who have brought their families with them, and have established themselves in various occupations and modes of business. These people appear to have earnestly desired to participate in the choice of a Delegate.



to this Convention, and, as your Committee believe, in good faith and with a proper purpose, believing themselves to be qualified voters. Being advised, after inquiry, that there was not on the island any of the legally constituted Managers for the island poll, and having failed in their efforts to reach the late Senator and Representative of the Parish, to procure a special appointment, they resorted to the expedient of appointing Managers by a public meeting. The Managers so appointed held the election and conducted it, so far as your Committee can learn, in close conformity with the existing regulations. The voters were only those who had been residents on the island for the two years preceding the election, and who had indicated a purpose of permanent residence, by bringing their families and establishing themselves in civil employments. They had also taken the Amnesty Oath. The Managers, acting on information which they had reason to think reliable, as to the proper day and place for counting the votes, went to the proper place on the main, but on the day preceding the day fixed by law for the general assembling of the Managers; and there, ignorant of the fact that they were assembled in advance of the proper time, and doubtful as to whether the polls had been opened at any other precincts, they proceeded to count their poll and declare the election. At this poll eighty-two votes appear to have been cast, all of which were for Mr. David McGregor, to whom a certificate of election was furnished by these Managers. This certificate Mr. McGregor presents, and claims that he is entitled to the seat.

To the regularity of the election at the polls on the main no exception is taken by Mr. McGregor. He only claims that he has received a majority of the votes polled in the Parish, and that the irregularities, if any, which have attended his election, are not such as to vitiate it.

On the other hand, it is objected by Mr. Youmans: 1. That the voters at the Hilton Head poll were not qualified voters according to the law of the State, because not citizens in the proper and legal acceptation of the term; and 2. That the poll was managed by persons unauthorized to hold the election, and was not counted and reported to the General Board of Managers on the day fixed by law for that purpose.

Your Committee have not been, and cannot be, without much delay, furnished with the information necessary to determine the facts involved in the first exception; and as there is, in their judgment, enough in the second exception to determine the question, they have confined their attention to that alone.

By the Proclamation of the President of the United States, the Provisional Governor of this State was authorized to call this Convention, and



for that purpose to establish such "rules and regulations" as were necessary. In pursuance of this authority, Governor Perry, by Proclamation, ordered the "Managers of Elections throughout the State" to hold the elections and to conduct the same "according to the laws of South Carolina in force before the secession of the State." Managers of Elections are, in this State, recognized State officers, holding their appointments directly from the General Assembly, and liable to penalties for neglect or misconduct; and it will not be questioned that in using the term, Governor Perry had reference to the Managers regularly appointed by the General Assembly. By a subsequent Proclamation of August 23d, Governor Perry directs that in cases where there are no Managers of Elections, the members of the Legislature from the Election District shall appoint suitable persons.

These were the "regulations" established by the Governor for the conduct of the elections to this Convention, and it is, in the judgment of your Committee, a sufficient exception to the Hilton Head poll, that it was not managed in conformity to these regulations and to the law of the State. The Managers were unauthorized to act as such, having been appointed neither by the General Assembly nor by the Representatives of the Parish; and in their management have failed to conform to that law of the State which required that they should meet the other Managers at the time and place fixed by law, for the purpose of counting the votes and declaring the election, after an exhibition of the results of the ballottings at the several precincts. It would open a door for much fraud and unfairness, if so great an irregularity should be countenanced as the meeting of the Managers of a single precinct, in advance of the day fixed by law for the general meeting, and the counting of the votes and declaring the election with reference alone to the votes at such poll; and equally mischievous would be the irregularity of permitting polls to be managed by unauthorized persons, who are in no manner amenable to law for their conduct. Strict adherence in these particulars to the election laws your Committee think of the highest importance; nor can such strictness, under any circumstances, work prejudicially or harshly. Persons interested have only need to make timely efforts to procure the appointment of proper Managers for their poll, or, failing in this, to go to some adjacent precinct, where such Managers may be found.

Your Committee are, for these reasons, of the opinion that the certificate presented by Mr. McGregor, based as it is alone upon the vote at the Hilton Head poll, cannot be recognized by this Convention. They have been very favorably impressed, and think it proper so to state, by his can-



dor and unobtrusive deportment, and equally impressed by the evidences of good faith and propriety of purpose which have characterized the efforts of his constituency to obtain a representation in this body.

They respectfully recommend the adoption of the following resolutions:

*Resolved*, That this Convention recognizes Mr. Leroy F. Youmans as the duly elected Delegate from the Parish of St. Luke, and that he is permitted to sign the roll and take his seat in this Convention.

*Resolved*, That a Pay Bill shall issue to Mr. David McGregor for such allowance, including two days' attendance on the Convention, as may be due him according to the rule of compensation to be fixed by the Convention.

Respectfully submitted,

C. D. MELTON, Chairman.

IN CONVENTION, Sept. 14, 1865.

IN THE CONVENTION, September 15, 1865.

*Resolved*, That the Convention do agree to the report.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

REPORT OF THE SPECIAL COMMITTEE TO WHOM WAS REFERRED THE CREDENTIALS OF THE APPLICANT FROM ST. HELENA PARISH.

The Special Committee, to whom was referred the credentials of Mr. James G. Thompson, the applicant for a seat in this Convention from St. Helena Parish, beg leave most respectfully to report: That after as careful and thorough an examination as, under the circumstances, they are able to make, they find the following to be the facts of the case:

The voters of St. Helena Parish, on seeing the Proclamation of the Provisional Governor calling a Convention of the people of the State of South Carolina, were desirous of being represented in that Convention. On inquiry they found that none of the legally appointed Managers of Election



were in the Parish; that in fact no election had been held in that Parish since 1861, it having, during that year, fallen within the lines of the United States army, and continued so during the war. They thereupon addressed a communication to the Provisional Governor, stating the facts, and asking him to appoint Managers of Election; he declined doing so, and referred them to the members of the Legislature from that Parish, as the proper persons to appoint such Managers. They then tried to find out who were members of the State Legislature from the Parish of St. Helena, but could not find them, and your Committee are not aware that there were any. As a last recourse, a meeting of the voters of the Parish was called on the 29th August, 1865. At this meeting they proceeded to ballot for Managers of Election, and the following named persons were elected, as appears from the minutes of the meeting, viz: John Conant, Elisha Coddington, and John Hunn. Elisha Coddington having declined to serve, John Heacock was substituted for him. On the 4th day of September, the day appointed, the Managers so elected proceeded to hold an election for a Delegate to this Convention. It appears that there are two election precincts in St. Helena Parish, one at Beaufort and the other on St. Helena Island. These Managers opened the polls at the usual place in Beaufort; they also carried the box to the other precinct, but no voters appeared at this second precinct. The result of the election was that Mr. James G. Thompson received thirty-three votes, and Mr. H. G. Judd received five votes. They then gave Mr. James G. Thompson a certificate of election, and with this certificate he now presents himself, claiming a seat in this Convention.

It appears to your Committee that the election was conducted fairly; that the Managers, though irregularly appointed, were sworn before they entered upon the discharge of their duties; that none were allowed to vote but those who were duly qualified as electors under the Constitution of the State, by having been residents of the State for two years, and of the election district six months previous to the election, and that they were also required to show that they had complied with the provisions of the Proclamation of the Provisional Governor, by having taken the Amnesty Oath. It appears that the voters of St. Helena Parish had endeavored in every possible way to have Managers appointed in a regular manner, but failed; and that the present applicant was elected in good faith by *bona fide* citizens of the State of South Carolina.

In view of these facts, your Committee respectfully recommend that Mr. James G. Thompson be allowed to enroll his name and take his seat as a member of this Convention.

W. H. PERRY, Chairman Committee.



IN THE CONVENTION, September 18, 1865.

*Resolved*, That the Convention do agree to the report.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

#### REPORTS OF THE COMMITTEE ON WAYS AND MEANS.

The Committee on Ways and Means, to which was referred the contingent account of Theodoro Stark, report: That they have examined the same and find it correct, it being for articles purchased for the use of the Convention. They recommend that it be paid. Total \$389.40.

C. M. FURMAN, Chairman.

IN THE CONVENTION, September 27, 1865.

*Resolved*, That the Convention do agree to the report.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

The Committee on Ways and Means, to which was referred so much of the Governor's Message as respects providing for the expenses of the Convention, and also the resolutions of the Convention respecting the pay and mileage of Members and the compensation of Officers of the Convention, respectfully report: That they have considered the subjects referred to them. They find that there are no funds in the State Treasury, and that the State is without present means of providing for its expenditure. It is therefore necessary to make special provision to meet the expenses of this body. Your Committee have ascertained that there are certain funds in the possession of the President and Directors of the Bank of the State of South Carolina, and they propose to procure the temporary use of said funds, or of so much thereof as may be necessary to meet those expenses.



C. N. FURMAN, Chairman.



IN THE CONVENTION, September 26, 1865.

*Resolved*, That the Convention do agree to the report.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

#### REPORT OF THE COMMITTEE ON PRINTING.

The Committee on Printing, to whom was assigned the duty of procuring such printing to be done as shall be required by the Convention, and superintending the proper execution of the same, beg leave to report: That they have discharged the duty assigned them; that after due notice to such parties as were supposed capable of doing the work, they have received proposals, only, from Mr. Julian A. Selby, of this city. He proposes to do the printing of the Convention at the following rates: "One hundred and fifty copies of the daily Journal, Reports, Resolutions, &c., (the temporary work, as it is termed,) at three dollars per printed page; the size of the page to be six and a half by four inches, the paper to be of the first quality. Five hundred copies of the daily Journal, continued and paged, embracing the entire proceedings of the Convention, (termed the "permanent work,") at five dollars per page; the whole to be stitched together, and the paper used to be of the best quality, and the entire work to be executed in a neat manner."

Your Committee, believing that Mr. Selby is prepared to do the work as stated, and that the terms are sufficiently reasonable, recommend the adoption of the following resolutions:

*Resolved*, That Mr. Julian A. Selby be appointed Printer to the Convention during its present session, and that he be paid according to the rates above stated.

*Resolved*, That the accounts of the Printer of this Convention shall be audited by the State Auditor; allowing him the rates above designated, and that the said accounts, when so audited, shall be paid by such mode as this Convention shall prescribe.

*Resolved*, That immediately after the Convention shall have terminated its present session, the several Ordinances, Reports and Resolutions adopted by it, together with the Journal of its proceedings, be printed in



pamphlet form, and that five hundred copies be struck off for the use of the Convention, to be disposed of under the direction of the President.

Respectfully submitted,

W. A. LEE, Chairman.

IN THE CONVENTION, September 20, 1865.

*Resolved*, That the Convention do agree to the report and resolutions.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

#### REPORTS OF THE COMMITTEE ON ORDINANCES AND RESOLUTIONS.

The Committee on Ordinances and Resolutions, to which was referred a resolution to examine into the effect of the section of the Constitution requiring a six months residence in the District as a qualification for a member of the General Assembly, and those who have been obliged by the casualties of war to remain from their Districts, ask leave to report: The question submitted to the Committee is whether those persons who have been obliged by the casualties of war to remove from their Districts will be disqualified from taking and holding seats as members of the General Assembly, not having actually resided therein for six months previous to the election.

Where one has an established domicile, a temporary absence, from necessity or choice, does not change it. There must be an actual removal, with an intention to change.

No such case, as the one referred to in the resolution, has arisen and probably may not; but if it does, each branch of the General Assembly are made the judges of the qualifications of the members of their respective bodies, and to them it may safely be confided. They therefore ask to be discharged from the further consideration of the subject.

Respectfully submitted,

T. N. DAWKINS, Chairman.



## REPORTS AND RESOLUTIONS.

IN THE CONVENTION, September 26, 1865.

*Resolved*, That the Convention do agree to the report:

By order:

JOHN T. SLOAN,

Clerk of the Convention.

The Committee on Ordinances and Resolutions, to which was referred certain resolutions in reference to the General Assembly of this State giving its consent without delay, after assembling, to the amendment proposed by Congress to the Constitution of the United States, prohibiting the existence of slavery, &c., ask leave respectfully to report: The proposed amendment to the Constitution of the United States in relation to slavery is not properly before this Convention. It is true, as a condition precedent to the restoration of our rights in the Union, it is required that slavery be abolished. To that extent we acquiesce. We admit that slavery is abolished, and are ready to ordain that involuntary servitude shall not hereafter exist; but beyond that, it is not the legitimate province of this Convention to go.

The Constitution of the United States provides the manner in which amendments thereto are to be made, to wit: by referring them either to the Legislatures of the several States, or Conventions thereof. The Congress proposing the amendment referred to have elected the mode of referring it to the State Legislatures.

It is not desirable that this Convention should indicate what course the Legislature should pursue. We have done what we considered our duty required, and would leave to the Legislature the consideration of the proposed amendment, not doubting that they will promptly and in good faith faithfully discharge their duty.

We therefore recommend that they do not pass.

Respectfully submitted,

T. N. DAWKINS, Chairman.

IN THE CONVENTION, September 19, 1865.

*Resolved*, That the Convention do agree to this report.

By order:

JOHN T. SLOAN,

Clerk of the Convention.



The Committee on Ordinances and Resolutions, to whom was referred resolutions in regard to the appointment of an agent to proceed to the city of Washington, for the purpose of ascertaining from the President the condition of the lands called "abandoned lands," and also, of giving aid to citizens of this State in their applications for pardon, beg leave to report: That they have carefully considered the same, and recommend for the adoption of the Convention the following resolutions:

1. *Resolved*, That the Provisional Governor is hereby authorized and empowered to appoint a competent agent to Washington, to ascertain from the President what is the condition of the lands called "abandoned lands" in this State, and how long it will be before owners of such lands will be restored to the possession of their property. And to act as the agent of citizens of this State in their applications to the President of the United States for pardons, and for the restitution of their real and personal property; and also as agent of the Provisional Governor of this State in all matters which he may desire to bring through such agent before the President or other officers of the United States Government.

2. *Resolved*, That it shall be the duty of the aforesaid agent to report, fully, all his proceedings, and all the information he may obtain in regard to matters entrusted to his charge, to the Provisional Governor of the State; in order that the same may be laid by him before the Legislature at its first session.

3. *Resolved*, That the Provisional Governor is hereby authorized to advance five hundred dollars to the aforesaid agent, from any funds which he may be able to command, for the purpose of defraining the expenses of said agent, and report the same to the Legislature as a charge against the State.

Respectfully submitted,

J. WINSMITH, for Committee.

IN THE CONVENTION, September 18, 1863.

*Resolved*, That the Convention do agree to the resolutions.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.



## RESOLUTIONS INSTRUCTING THE CLERK TO PERFORM CERTAIN SERVICES.

*Resolved*, That the Clerk of this Convention be charged with the supervision of the printing of the Journal, Reports, Resolutions, and Ordinances, adopted by this Convention, in permanent form; that he prepare and have printed with the same a complete index; and that he be also charged with the distribution of the same, under the direction of the President; that he also shall prepare, and have substantially bound, a correct manuscript copy of the Journal, to be deposited in the Secretary of State's office.

*Resolved*, That the Clerk be paid for said services, and for services as Clerk of the Convention, the same salary as was paid the Clerk of the House of Representatives in 1860.

IN THE CONVENTION, September 26, 1865.

*Resolved*, That the Convention do agree to the resolutions.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

## RESOLUTION TO APPOINT COMMISSIONERS.

*Resolved*, That a Commission, consisting of two persons, be appointed by his Excellency the Provisional Governor, to prepare and report to the next Legislature, what laws will be necessary and proper in consequence of the alterations made in the fundamental law, and especially to prepare and submit a Code for the regulation of labor, and the protection and government of the Colored Population of the State; and that the Legislature fix the compensation of said Commissioners.

IN THE CONVENTION, September 25, 1865.

*Resolved*, That the Convention do agree to the resolution.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.



REPORTS AND RESOLUTIONS

167

RESOLUTION AUTHORIZING ENGROSSING COMMITTEE TO  
EMPLOY CLERKS.

*Resolved*, That the Engrossing Committee be authorized to employ one or more Clerks, as may be found necessary.

IN THE CONVENTION, September 16, 1865.

*Resolved*, That the Convention do agree to the resolution.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

*Resolved*, That Ordinances adopted by this Convention shall be engrossed and then ratified, by being signed by the President and Clerk.

IN THE CONVENTION, September 15, 1865.

*Resolved*, That the Convention do agree to the resolution.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

*Resolved*, That the Hon. D. L. Wardlaw, the Hon. Alfred Huger, and the Hon. T. N. Dawkins, be a Committee to present to his Excellency the President of the United States the memorial of this Convention in behalf of the Hon. Jefferson Davis and A. H. Stephens, and of the Hon. A. G. Magrath and George A. Trenholm, and that the expenses of said Committee be defrayed out of the funds raised under the Ordinance of this Convention.

IN THE CONVENTION, September 27, 1865.

*Resolved*, That the Convention do agree to the resolution.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.



## REPORTS AND RESOLUTIONS.

*Resolved*, That a Pay Bill be issued to Mr. John D. Alexander for the sum of thirty dollars, in compensation for his services in engrossing the Constitution of the State of South Carolina.

IN THE CONVENTION, September 27, 1865.

*Resolved*, That the Convention do agree to the resolution:

By order:

JOHN T. SLOAN,

Clerk of the Convention.

*Resolved*, That the sum of two hundred dollars be appropriated as compensation for the use of the building in which the meetings of the Convention have been held.

IN THE CONVENTION, September 27, 1865.

*Resolved*, That the Convention do agree to the resolution:

By order:

JOHN T. SLOAN,

Clerk of the Convention.

*Resolved*, That the General Assembly be requested to have the Constitution of the State adopted by this Convention, together with the several Ordinances and Resolutions passed, published with the Acts and Resolutions of the General Assembly, at its next session.

*Resolved*, That the Clerk of the Convention communicate this resolution to the General Assembly, at an early day of its session.

IN THE CONVENTION, September 27, 1865.

*Resolved*, That the Convention do agree to the resolutions:

By order:

JOHN T. SLOAN,

Clerk of the Convention.



REPORTS AND RESOLUTIONS.

169

*Resolved*, That the Keeper of the State House take charge of the various articles procured for the use of the Convention, which have not been consumed, and hold them subject for the use of the General Assembly.

IN THE CONVENTION, September 27, 1865.

*Resolved*, That the Convention do agree to the resolution.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

*Resolved*, By the Delegates of the People of South Carolina, in Convention assembled, that we endorse the administration of President Johnson; that we cordially approve the mode of pacification proposed by him, and that we will co-operate with him in the wise measures he has inaugurated for securing peace and prosperity for the whole Union.

IN THE CONVENTION, September 27, 1865.

*Resolved*, That the Convention do agree to the resolution.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.

*Resolved*, That the acknowledgments of the Convention are hereby cordially rendered to the Hon. D. L. Wardlaw, for the ability, dignity and elegance which he has exhibited in discharging the important and delicate duties of the Chair.

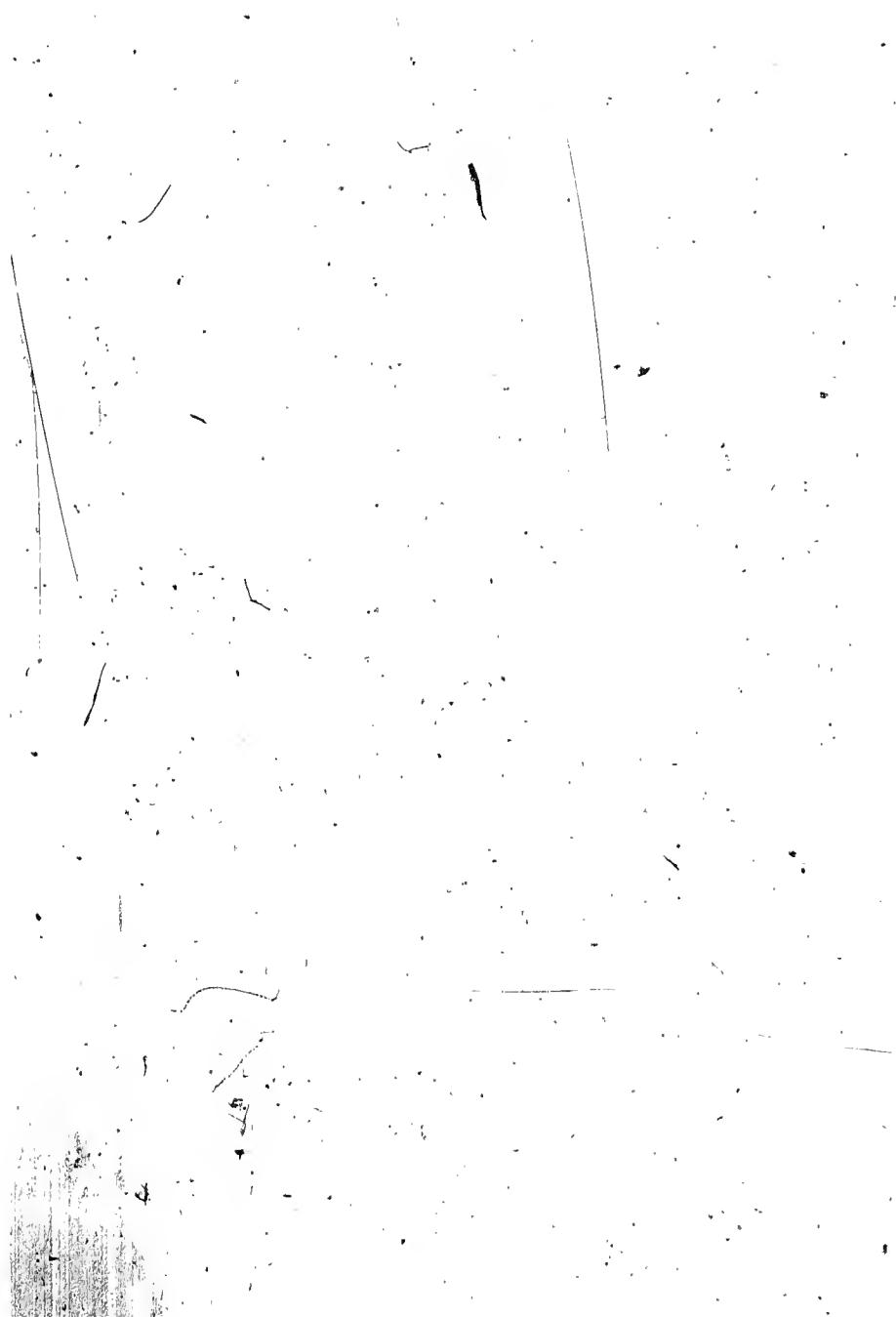
IN THE CONVENTION, September 27, 1865.

*Resolved*, That the Convention agree to the resolution.

By order:

JOHN T. SLOAN,  
Clerk of the Convention.







# ORDINANCES.







# ORDINANCES.

## THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the thirteenth day of September, in the year of our Lord one thousand eight hundred and sixty-five, and thence continued by divers adjournments to the twenty-seventh day of the same month and year.

### AN ORDINANCE

*To provide for the first ensuing Election of Governor and Lieutenant-Governor, and for Members of the first ensuing General Assembly of the State of South Carolina.*

*We, the People of the State of South Carolina, by our Delegates in Convention met, do ordain:*

1. That on the third Wednesday in October next, elections shall be held for the offices of Governor and Lieutenant-Governor of the State of South Carolina, and for members of the Senate and House of Representatives of the General Assembly of the State.
2. That the Managers of Elections, throughout the State, shall give public notice of such elections, and on the day indicated shall open separate polls at their respective precincts for each of the said elections, and shall conduct the same, in all respects, in accordance with the laws and usages of this State. In case there be no regularly appointed Managers at any precinct, said elections shall be held and conducted by Managers for that purpose specially appointed by a majority of the persons who are now the Delegates of this Convention from the District in which such precinct lies, and vacancies among the Managers shall be in like manner filled.
3. In the elections to the General Assembly, the Districts of Beaufort,



Colleton, Orangeburg and Berkeley, shall each elect one Senator and on general ticket as many members of the House of Representatives as were assigned by the last apportionment to the several Parishes comprised in each. The District of Georgetown shall elect one Senator and three Representatives. The District of Horry shall elect one Senator and two Representatives. The Election District of Charleston shall elect two Senators and twenty Representatives; and all other Districts shall elect each one Senator and as many Representatives as were assigned to each by the last apportionment.

4. That immediately after closing the polls, the Managers shall count the votes polled, and after making returns thereof, showing the number of votes polled for each person, shall certify the same under their hands, and appoint one of their number to carry such returns with a list of the voters, and report the same to the general meeting of the Managers of the District; which general meeting shall be held at the Court House of the District on the day following the election; except that the Managers for the Election District of Berkeley shall hold their general meeting at the city of Charleston, on the second day following the election, at 2 o'clock P. M. And the Managers, when so assembled in general meeting, shall, after ascertaining the result of the several returns, proceed to declare the election of Members of the General Assembly, and shall furnish certificates, under their hands, of such elections to the persons entitled thereto.

5. That the Members so elected shall meet in General Assembly, in special session, at Columbia, on Wednesday, the twenty-fifth day of October next.

6. That the Managers, when so assembled in general meeting, shall make separate returns of the results of the ballottings for Governor and Lieutenant-Governor, shall certify the same to the Secretary of State, under their hands, and shall forward to him such returns, each in a separate sealed envelope, appropriately endorsed, by a Messenger to be by them appointed for that purpose, who shall be by them sworn to deliver and shall deliver the same, with the seals unbroken, to the Secretary of State at Columbia, on or before the fourth Monday of November next.

7. That the Secretary of State shall, at such time as they may be required of him, deliver said returns to the Speaker of the House of Representatives, who shall, during the first week of the regular session, open and announce the said returns, declare the election and order the entering of the same on the Journal of the House.

8. That the Messengers shall be entitled to receive out of the Treasury of the State a compensation equal to five dollars per diem, and twenty cents



per mile going to and returning from Columbia—the number of days and miles to be ascertained by the Secretary of State, who shall certify pay bills therefor.

9. That the Clerk of the Convention shall order the immediate printing of one thousand copies of this Ordinance, and forthwith distribute the same to the Managers of Elections throughout the State.

Done at Columbia, the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and sixty-five.

D. L. WARDLAW, President of Convention.

Attest: JOHN T. SLOAN, Clerk of Convention.



## THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the thirteenth day of September, in the year of our Lord one thousand eight hundred and sixty-five, and thence continued, by divers adjournments, to the twenty-seventh day of the same month and year.

## AN ORDINANCE

*To declare in force the Constitution and Laws heretofore in force in this State, and the Acts, official, public and private done, and appointments and elections made under authority of the same.*

*We, the People of the State of South Carolina, by our Delegates in Convention met, do ordain:*

1. That the Constitution of this State, as ordained and established by the People in Convention at Charleston, on the eighth day of April, in the year of our Lord one thousand eight hundred and sixty-one, is in force, except as amended or altered by this Convention.
2. That all laws, orders, resolutions and rules, ascertaining the rights of persons, natural or artificial, or regulating proceedings in the Courts of Law or of Equity, which were of force in this State on the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty, are now in force, and shall so continue until altered, modified, repealed or avoided by proper State authority, except in so far as the same or any of them have or has been, since that time, so altered, modified, repealed or avoided.
3. That all Acts and Resolutions of the General Assembly of this State, which have been passed, adopted or ratified, since the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty aforesaid, are now in force and shall so continue until altered, modified, repealed or avoided by proper State authority, except such as have expired by their own limitation, or by reason of the cessation of the causes which occasioned their enactment; not, however, including within this exception the Act of Assembly prohibiting the collection of debts, usually known as the Stay Law. *Provided, however, That all laws, resolutions, orders or rules, embraced within the terms of this and the preceding section, which recognize the existence of slavery and regulate the relations of master and slave, and define and enforce the rights and duties growing thereout, or create and punish offences against such rights or against the public policy*



of the State in reference to slavery, have become of no further or future force or effect, by reason of the extinction of slavery.

4. That all official Acts in the Executive and other Departments of the Government of this State, judicial proceedings, rules of Court, sales, conveyances, contracts, obligations, instruments of writing and transactions affecting rights of person or property, had, made, executed or incurred, since the nineteenth day of December, in the year of our Lord one thousand eight hundred and sixty, have, and shall continue to have in all respects, the same force, effect and validity, as if the same had been made, executed or incurred during a time of peace, and as if the Ordinance of Secession had not been passed: *Provided*, That in every action arising on any contract, whether under seal or parole, written or oral, made between the first day of January, in the year of our Lord one thousand eight hundred and sixty-two, and the fifteenth day of May, in the year of our Lord one thousand eight hundred and sixty-five, it shall be lawful for either party to the action to introduce testimony showing the true value and real character of the consideration of such contract at the time it was made, so that regard being had to the particular circumstances of each case, such verdict or decree may be rendered as will effect substantial justice between the parties: *And, provided further*, That all prosecutions now pending under any Act or Acts of the General Assembly, passed to aid or assist in the war against the United States, shall be discontinued.

5. The General Assembly of this State is hereby forever prohibited from passing any law imposing civil disabilities, forfeiture of property, or of other rights, or punishment of any kind, on any citizen or resident of this State, or person owning property herein, for the relation of such citizen, resident or person to, or his or her conduct in reference to the late secession of this State from the Federal Union, or the war which grew out of the same, or for any participation, aid, counsel or assistance therein.

6. The Judges of the several Courts in this State, and other judicial officers, the Attorney-General and Solicitors, President and Directors of the Bank of the State of South Carolina, the Secretary of State, Commissioners of the Treasury, Surveyor-General and all District and other officers who derive their authority from or under the Executive, Legislative or Judicial Departments, who were holding and exercising office before and on the twenty-sixth day of April last, or had before that day been elected thereto, are, in the regard of the State, (except where vacancies have since occurred; or may occur by reason of death, expiration of term, or otherwise, under the laws of the State,) still holding their respective offices, and are entitled to hold and exercise the same by the original tenure thereof,



for the residue of the terms for which they were severally elected or appointed: *Provided, however,* That every person so holding office has heretofore taken and subscribed, or shall, before the first day of December next, take and subscribe before some officer properly authorized to administer the same, the oath prescribed and required in the Proclamation of His Excellency Andrew Johnson, President of the United States, of the twenty-ninth day of May last, commonly called the "Amnesty Proclamation," and upon failure to comply with the requirements of this proviso, the office of such person shall be thereupon vacant, and shall be filled in the manner provided by law in cases of vacancy otherwise occurring.

Done at Columbia, the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and sixty-five.

D. L. WARDLAW, President of the Convention.

Attest: JOHN T. SLOAN, Clerk of the Convention.



## THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the thirteenth day of September, in the year of our Lord one thousand eight hundred and sixty-five, and thence continued by divers adjournments to the twenty-seventh day of the same month and year.

## AN ORDINANCE

*To Provide for the Expenses of the Convention.*

*We, the People of the State of South Carolina, by our Delegates in Convention met, do ordain,*

That the President and Directors of the Bank of the State of South Carolina be, and they are hereby, authorized to advance to the use of the State from any funds now in their possession and under their control, a sum not exceeding thirteen thousand dollars in gold coin; and the faith and credit of the State are hereby pledged for the repayment of the said sum in gold coin, to the said President and Directors. And the said sum so advanced shall be subject to the order of this Convention. That the General Assembly of this State shall at its next session provide for the repayment of the said sum of thirteen thousand dollars in gold coin, with interest, to the said President and Directors of the Bank of the State of South Carolina. That for the sum or sums to be advanced under this Ordinance, a certificate or certificates shall be issued, signed by the President of this Convention, in the form following, that is to say: "The State of South Carolina. Be it known that there is due from the State of South Carolina to the President and Directors of the Bank of the State of South Carolina, the sum of \_\_\_\_\_ in gold coin, to be paid to the said President and Directors, with interest from the date hereof, within six months from the date of this certificate; the said sum having been advanced to the use of the State, under an Ordinance of the Convention of the People of the State, convened at Columbia, on the thirteenth day of September, in the year of our Lord one thousand eight hundred and sixty-five. Done at Columbia, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand eight hundred and sixty-five." Which certificate



## ORDINANCES

or certificates so executed shall be binding upon the State, and payable out of its Treasury.

Done at Columbia, the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and sixty-five.

D. T. WARDLAW, President of the Convention.

Attest: JOHN T. SLOAN, Clerk of the Convention.



## THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the thirteenth day of September, in the year of our Lord one thousand eight hundred and sixty-five, and thence continued by divers adjournments to the nineteenth day of September, in the same year.

## AN ORDINANCE

*To Repeal the Ordinance of Secession.*

*We, the People of the State of South Carolina, by our Delegates in Convention met, do ordain,*

That the Ordinance adopted by us in Convention on the twentieth day of December, in the year of our Lord one thousand eight hundred and sixty, entitled an "Ordinance to dissolve the Union between the State of South Carolina and other States united with her, under the compact entitled 'The Constitution of the United States of America,'" is hereby repealed.

Done at Columbia, the nineteenth day of September, in the year of our Lord one thousand eight hundred and sixty-five.

D. L. WARDLAW, President of the Convention.

Attest: JOHN F. SLOAN, Clerk of the Convention.



## THE STATE OF SOUTH CAROLINA.

At a Convention of the People of the State of South Carolina, begun and holden at Columbia, on the thirteenth day of September, in the year of our Lord one thousand eight hundred and sixty-five, and thence continued by divers adjournments to the twenty-seventh day of the same month and year.

## AN ORDINANCE

*To divide the State into four Congressional Districts.*

We, the People of the State of South Carolina, by our Delegates in Convention met, do ordain:

1. That the State of South Carolina shall be, and the same is hereby, divided into four Congressional Districts, as follows, namely: First Congressional District, to be composed of the Judicial Districts of Lancaster, Chesterfield, Marlborough, Darlington, Marion, Horry, Georgetown, Williamsburg, Sumter, Clarendon and Kershaw; Second Congressional District, to be composed of the Judicial Districts of Charleston, Colleton, Beaufort and Barnwell; Third Congressional District, to be composed of the Judicial Districts of Orangeburg, Edgefield, Abbeville, Lexington, Newberry, Richland and Fairfield; and the Fourth Congressional District, to be composed of the Judicial Districts of Anderson, Pickens, Greenville, Laurens, Spartanburg, Union, York and Chester.
2. That until the next apportionment be made by the Congress of the United States, each of the said Congressional Districts shall be entitled to elect one member to represent this State in the Congress of the United States.

Done at Columbia, the twenty-seventh day of September, in the year of our Lord one thousand eight hundred and sixty-five.

D. L. WARDLAW, President of the Convention.

Attest: JOHN T. SLOAN, Clerk of the Convention.



LIST OF MEMBERS

THE CONVENTION.







ALPHABETICAL LIST OF THE MEMBERS OF THE CONVENTION,

WITH THEIR ELECTION DISTRICT, POST OFFICE AND OCCUPATION.

SEPTEMBER 13, 1865.

NAME	ELECTION DISTRICT.	POST OFFICE.	OCCUPATION.
Wardlaw, D. L., <i>President</i> .	Abbeville	Abbeville C. H.	Judge
Aldrich, A. P.	Barnwell	Barnwell C. H.	Lawyer
Andrews, A. O.	St. Philip and St. Michael	Charleston	Merchant
Ball, B. W.	Laurens	Laurens C. H.	Lawyer
Barnett, M. C.	Spartanburg	Batesville	Clergyman
Beatty, Wm. C.	York	Yorkville	Lawyer
Black, Wm. C.	York	Harmony	Farmer
Blair, L. W. R.	Kershaw	Camden	Planter
Bolling, T. C.	Greenville	Greenville C. H.	Farmer
Boozer, Lemuel	Lexington	Lexington C. H.	Lawyer and Planter
Boyce, James P.	Greenville	Greenville C. H.	Clergyman
Boyd, James LaFayette	Pickens	Walhalla	Farmer
Brabham, J. J.	Barnwell	Bufo's Bridge	Merchant and Planter
Brailsford, W. M.	St. James	Goose Creek	Planter
Bratton, John	Summerville	Summerville	Planter
Bryce, Alexander, Sr.	Fairfield	Wynnsboro	Planter
Bull, Wm. Leard	Pickens	Wilhalla	Farmer
Byrd, J. E.	St. Andrews	Charleston	Planter
Campbell, A.	Darlington	Timmonsville	Physician
Cannon, W. H.	St. Bartholomew	Charleston	City Treasurer (Charleston)
	St. Stephen	Bonneau's Turnout	Planter
	N. E. R. R.		Planter



## LIST OF MEMBERS:

NAME	ELECTION DISTRICT.	POST OFFICE.	OCCUPATION.
Jardine, John W.	Spartanburg	Spartanburg C. H.	Lawyer
Inisom, W. A.	St. Georges	George's Station, S. C. R. R.	Planter
Jogar, P. J.	St. Philip	Dorchester	Lawyer
Jonner, James	St. Michael	Charleston	Planter
Dawkins, T. N.	St. Philip and St. Michael	Charleston	Lawyer
DeLettre, U. A.	Union	Union C. H.	Lawyer
Dozier, R.	All Saints	Buckville	Farmer
Judley, C. W.	Prince George	Winvale	Lawyer
Dunkin, Benjamin F.	Marlboro	Georgetown	Lawyer and Planter
Dunovant, R. G. M.	Prince George	Winyah	Judge
DuPre, John Y.	Edgefield	Edgefield C. H.	Planter
Dwight, Isaac M.	St. James	McClellanville	Physician
Evans, Alexander	Pauls	Abbeville C. H.	Planter
Farrow, James	Anderson	Anderson C. H.	Physician
Fishburne, B. C.	Spartanburg	Spartanburg C. H.	Lawyer
Fox, John.	Prince George	Winvale	Physician and Planter
Grierson, John N.	Georgetown	Georgetown	Planter
Hrost, Edward	Lexington	Lexington C. H.	Planter
Hurman, C. M.	Sumter	Sumter	Planter
Taillard, John G.	St. Philip and St. Michael	Charleston	President Bank of the State
Taillard, P. C.	St. Thomas and St. Deuris	Charleston	Planter
Hilliard, W. H.	St. Philip	St. John's	Merchant
Hoodwyn, A. D.	St. Philip and St. Michael	Berkeley	Merchant
Hoodwyn, T. J.	Kershaw	Stephen's Depot	Merchant
Houardin, Henry	St. Philip	St. Michael	Merchant
Hammond, Paul F.	St. Philip and St. Michael	Edgefield	Planter
Leairst, J. W.	Edgetield	Beech Island	Physician
Leaphill, James	Abbeville	Millway	Lawyer
Genery, W. M. S.	St. Philip and St. Michael	Chester	Machinist and Founder
Ferndon, Edmund	Pickens	C. H.	Farmer
Juger, Alfred	St. Philip and St. Michael	Tunnel Hill	Planter
Agilis, John A.	Columbia	Columbia	Chancellor
		Chesterfield	
		Cheraw	



LIST OF MEMBERS.

187

NAME.	ELECTION DISTRICT.	POST OFFICE.	OCCUPATION.
James, J. A.	Williamsburg	Indiantown	Physician
Johnson, L. B.	.....	Pickens	Physician
Jones, Cadwallader	.....	Wallalla	Planter
Keenan, William J.	Union	Union C. H.	Merchant
Lake, E. P.	.....	Newberry C. H.	Farmer
Latimer, J. P.	.....	Greenville	Physician
Lee, W. A.	St. Philip and St. Michael	Abbeville	Lawyer
Lesesne, H. D.	St. Philip and St. Michael	Charleston	Lawyer
Macbeth, Charles	St. Philip and St. Michael	Charleston	Merchant
Martin, W. M.	St. Philip and St. Michael	Charleston	Lawyer
Melchers, F.	St. Philip and St. Michael	Charleston	Editor
Melton, C. D.	.....	Chester	Lawyer
Milling, D. C.	St. Philip and St. Michael	Chester C. H.	Planter
Mills, William J.	.....	Darlington	Farmer
McCanley, James	.....	Darlington	Planter
McDuffie, A. Q.	.....	Darlington	Lawyer
McGowan, S.	.....	Darlington	Lawyer
McIver, Henry	.....	Darlington	Lawyer
McMaster, F. W.	.....	Darlington	Lawyer
McMichael, C. M.	.....	Darlington	Lawyer
Mooley, W. S.	.....	Darlington	Farmer
Moore, A. W.	.....	Darlington	Planter
Morgan, Joseph H.	.....	Darlington	Physician
Morrison, R. S.	.....	Darlington	Planter
Moss, F. J.	.....	Darlington	Planter
Muldrow, T. M.	.....	Darlington	Lawyer
Norwood, J. H.	.....	Darlington	Lawyer
Orr, James L.	.....	Darlington	Lawyer
Perry, William H.	.....	Darlington	Lawyer
Pickens, F. W.	.....	Darlington	Planter
Pickens, Wm. S.	.....	Darlington	Farmer
Porter, Edward J.	.....	Kingstreet	Lawyer



## LIST OF MEMBERS.

NAME	ELECTION DISTRICT.	POST OFFICE.	occUPATION.
Ravenel, William	St. Philip and St. Michael	Charleston	Merchant
Beaves, Robert H.	Marion	Marion C. H.	Planter
Reed, James J.	Lancaster	Longstreet	Planter
Bleckhardson, John Peter	Clarendon	Manchester	Planter
Rion, James H.	Fairfield	Winnisboro	Lawyer
Robertson, Wm. R.	Fairfield	Winnisboro	Lawyer
Rose, James	St. Philip and St. Michael	Charleston	Planter
Ross, R. A.	Chester	Blairsville	Clergyman
Schinnerle, John	St. Philip and St. Michael	Charleston	Lawyer
Sheridan, Hugo G.	St. Bartholomew	Walterboro	Planter
Skipper, Joel B.	Horry	Conwayboro	Planter
Simonton, C. H.	St. Philip and St. Michael	Charleston	Lawyer
Sims, R. M.	Lancaster	Rock Hill	Planter
Smart, H. C.	St. Peters	Buck Branch	Planter
Sullivan, C. P.	Laurens	Laurens C. H.	Lawyer
Summer, Henry	Newberry	Pomaria	Lawyer
Stewart, R.	Newberry	Newberry C. H.	Planter
Taylor, A. B.	Finchland	Columbia	Planter
Thompson, J. G.	St. Helena	Beaufort	Merchant
Thomson, Thomas	Abbeville	Abbeville C. H.	Lawyer
Tillman, G. D.	Edgefield	Woodlawn	Planter
Wagener, John A.	St. Philip and St. Michael	President Immigration Company	Company
Wallace, William	Richland	Columbia	Lawyer
Wallace, W. H.	Union	Union C. H.	Magistrate
Weatherley, Thomas C.	Marlboro	Bennettsville	Planter
Whetstone, J. M.	Barnwell	Midway	Planter
Williams, George W.	St. Philip and St. Michael	Charleston	Merchant
Wilson, John	Anderson	Anderson C. H.	Magistrate
Wilson, W. T.	Marion	Mars Bluff	Planter
Wansmith, J.	Spartanburg	Spartanburg C. H.	Planter
Wyle, A. P.	Chester	Chester C. H.	Physician
Youmans, Leroy F.	St. Lukes	Gillisonville	Lawyer



# INDEX

TO THE  
JOURNAL OF THE CONVENTION,  
SEPTEMBER, 1865.

## A.

Agent to reside at Washington. (See resolutions by Messrs. Frost, F. W. Pickens.)

Alexander, John D., pay bill issued to. (See resolution by Mr. Melton.)

Assembly General. (See General Assembly.)

## B.

Bill of Rights. (See resolutions by Messrs. McGowan, Perry, F. W. Pickens.)

## C.

Church, Baptist, Convention assembled in ..... 3.

Church, Baptist, compensation for use of. (See resolution by Mr. Furman.)

Clerk of the Convention. (See resolution by Mr. Orr; 5;) appointed Clerk to perform certain services. (See resolution by Mr. Robertson.)

Colored persons and negroes, testimony of. (See resolution by Mr. Macbeth.)

Committees, Standing. (See resolutions by Messrs. Rion, Orr, Boyce, Lesesne.)

Committees, Standing appointed ..... 25, 27, 97

Committees, Special appointed ..... 5, 6, 22, 39, 50, 125



Committees of the Whole.....105, 134

Commission to report to next General Assembly. (See resolution by Mr. Thomas Thomson.)

Convention, delegates assembled, 3 ; additional attended.....10, 25, 39, 49, 68, 97

Convention, daily sessions of, to be opened with prayer. (See resolution by Mr. Winsmith.)

Convention, daily recess of.....74

Convention, business of. (See resolutions by Messrs. Aldrich, Connor, Lesssne.)

Convention, expenses of to be provided for. (See resolution by Mr. Robertson.)

Convention, unfinished business of. (See resolution by Mr. Orr.)

Convention, adjournment of. (See resolutions by Messrs. Orr, Melton.)

Convention, adjourned *sine die*.....135

Comptroller-General, election of. (See resolution by Mr. Orr.)

Congress, United States, representation in. (See resolution by Mr. Bolling.)

Constitution, adopted 1861, to be printed. (See resolution by Mr. Farrow.)

Constitution ratified.....133

County, to substitute for "District." (See resolution by Mr. Moses.)

Courts, Inferior. (See resolution by Mr. Bolling.)

Courts, to establish. (See resolution by Mr. Beatty.)

Courts of Appeal, sittings of. (See resolution by Mr. Sullivan.)

Courts, testimony of colored persons and negroes in. (See resolution by Mr. Macbeth.)

D.

Davis, Hon. Jefferson, Memorial in behalf of. (See resolution by Mr. William Wallace.)

Delegates. (See Members.)

Delegates, enrolled their names, &c.....3

Delegates, additional enrolled their names, &c.....10, 25, 39, 49, 53, 68, 97

Districts, Judicial and Election. (See resolution by Mr. Tillman.)

Districts, Judicial and Election, now. (See resolution by Mr. Tillman.)

Door-keeper appointed.....10

Dunkin, Hon. B. F., called to the chair.....134



## E.

Elections, General, day for, (See resolution by Mr. Lesesne.)  
Elections by General Assembly, or either House to be "*viva voce*."  
(See resolution by Mr. Orr.)  
Elections, President and Vice-President. (See resolution by Mr. Sullivan.)  
Engrossing Committee authorized to employ Clerks. (See resolution by Mr. Melton.)  
Executive Committee, report of on various matters..... 95, 98

## G.

Gary, Gen. M. W., invited to seat on floor of Convention..... 68  
General Assembly, biennial meetings of. (See resolution by Mr. Beatty.)  
General Assembly, apportionment of representation. (See resolutions by Messrs. Orr and Winsmith.)  
Governor, Provisional, Convention assembled by proclamation of.. 3  
Governor, Provisional, Message No. 1..... 10, 19, 36, 40, 74  
Governor, Provisional, Message No. 2..... 130  
Governor, election of, term of office of, &c. (See resolutions by Messrs. Beatty, Orr, Sullivan.)  
Governor, qualified veto power of. (See resolution by Mr. Rion).  
Governor, residence of. (See resolution by Mr. McMaster).

## H.

Hampton, Gen. Wade, communication from..... 119  
House of Representatives, number, representation, &c. (See resolutions by Messrs. Orr, Winsmith).  
House of Representatives, qualifications of certain members as to residence. (See resolution by Mr. J. G. Thompson).  
House of Representatives, property qualifications of. (See resolutions by Mr. Inglis).

## I.

Immigration, encouragement of. (See resolution by Mr. Norwood).  
Internal Improvements. (See resolutions by Messrs. Bolling, Wagner, Dudley).



## J.

Johnson, President United States, administration of. (See resolution by Mr. Simonton.)

## L

Laws to continue in force, &c. (See Ordinance by Mr. Inglis and resolution by Mr. McGowan.)

Laws to be reported by a commission. (See resolution by Mr. Thos. Thomson.)

Laws, *ad post facto*. (See resolution by Mr. Reed.)

Legislative Department, report of Committee on various matters 50, 69, 77, 81, 86, 87

## M.

Magrath, Hon. A. G., memorial in behalf of. (See resolution by Mr. Wm. Wallace.)

Members. (See delegates.)

Members, qualifications of certain as to residence. (See resolution by Mr. J. G. Thompson.)

Members, asked and obtained leave to record votes 33, 40, 71, 77, 133

Members, leave of absence granted to 65, 80, 114

Message No. 1 from Provisional Governor

Message No. 2 from Provisional Governor

Messenger appointed 10

McGregor, Wm. C., appointed Messenger 10

McGregor, D., communication from 25

McGregor, D., invited to seat on floor of Convention 25

McMaster, F. W., appointed Secretary *pro tem.*

Militia organization of. (See resolution by Mr. Smart.)

Moses, F. J., called to the chair

## N.

Norwood, J. H., appointed Secretary *pro tem.* 25

## O.

Oath of office. (See resolution by Mr. Bolling.)

Oaths additional for Members General Assembly. (See resolution by Mr. Herndon.)



## INDEX.

193

Ordinance, to repeal the Ordinance of Secession, passed 20th December, 1860, by Mr. F. W. Pickens. .... 7, 22, 27  
 Ordinance to repeal the Ordinance of Secession, by Committee. .... 27, 65  
 Ordinance to declare in force certain laws, acts, official appointments, elections, &c., by Mr. Inglis. .... 10, 32, 43, 68, 100, 121, 125, 128, 133  
 Ordinance to abolish slavery in this State, by Mr. Inglis. .... 19, 33  
 Ordinance to declare slavery abolished in South Carolina, and prohibit its re-establishment, by Mr. Lesesne. .... 27, 40, 59  
 Ordinance to divide Pickens District into two Election and Judicial Districts, by Mr. Orr. .... 46, 53  
 Ordinance to provide for the first ensuing election of Governor and Lieutenant-Governor, and for Members of the first ensuing General Assembly of the State, by Mr. Melton. .... 100, 123, ratified 133  
 Ordinance to provide for the expenses of the Convention, by Committee. .... 97, 147, ratified 133  
 Ordinances, &c., to be published with Acts, &c., of the next General Assembly. (See resolution by Mr. Mellon.)

## P.

Porry, Hon. B. F., Provisional Governor, Message No. 1 from. .... 10, 19, 36, 40, 71  
 Porry, Hon. B. F., Provisional Governor, Message No. 2 from. .... 130  
 Petition presented by Mr. J. G. Thompson. .... 131  
 Policy, National. (See resolutions by Messrs. Dénovant and Hammond.)  
 President of Convention, ballots for. .... 5  
 elected. .... 5  
 President and Vice-President United States, Electors of. (See resolutions by Mr. Sullivan.)  
 Press, Reporters for admitted. .... 9  
 Printing, report of Committee. .... 68

## R.

## RÉSOLUTIONS INTRODUITS DANS LA CONVENTION.

By Mr. Aldrich. In relation to the policy of the State, and the business of the Convention. .... 6  
 By Mr. Andrews. Admitting reporters of the press. .... 9



## INDEX.

- By Mr. Boatly. In relation to term of office of Governor, &c. . . . . 25
- By Mr. Beatty. In relation to biennial meetings of General Assembly. . . . . 26, 49
- By Mr. Beatty. In relation to establishing certain courts. . . . . 26
- By Mr. Black. In relation to prohibiting the exemption of certain property from taxation. . . . . 101, 105
- By Mr. Bolling. In relation to the number of Representatives in the United States Congress, and re-districting the State. . . . . 40, 57, 75, 123
- By Mr. Bolling. In relation to prescribing oath of office. . . . . 57
- By Mr. Bolling. In relation to establishing Inferior Courts. . . . . 26, 58
- By Mr. Bolling. In relation to prohibiting appropriations for internal improvements, &c. . . . . 27, 54, 58
- By Mr. Boyce. To appoint a revisory committee. . . . . 97
- By Mr. Conner. Restricting the action of the Convention. . . . . 33
- By Mr. Conner. Prescribing the qualifications of voters. . . . . 37
- By Mr. Conner. Appointing a committee to present memorials in behalf of Hon. Jeff. Davis and others. . . . . 125
- By Mr. Dundley. In relation to requiring a two-thirds vote to appropriate money for internal improvements, &c. . . . . 54, 58, 109
- By Mr. Dunnovant. Indicating the policy of the State, and referring the subject of slavery to the Legislature. . . . . 46, 53
- By Mr. Farrow. To have Constitution of 1861 printed. . . . . 23
- By Mr. Farrow. Proposing section for Bill of Rights, in relation to exempting voters from arrest. . . . . 53, 58
- By Mr. Frost. For appointment of committee to prepare Rules. . . . . 6, 10
- By Mr. Frost. For appointment of an Agent, at Washington, to attend to the interests of the State, &c. . . . . 40
- By Mr. Furman. Instructing State House Keeper to perform certain services. . . . . 131
- By Mr. Furman. Appropriating a certain sum for the use of the Building for the Convention. . . . . 131
- By Mr. Hammond. Indicating a National policy. . . . . 41, 59, 95, 100, 134
- By Mr. Henery. In relation to organizing the public schools, &c. . . . . 54, 59
- By Mr. Herndon. Proposing additional oath for Members of General Assembly. . . . . 57, 75, 97
- By Mr. Inglis. For the appointment of Standing Committees. . . . . 6, 19
- By Mr. Inglis. For the appointment of an additional Standing Committee. . . . . 22
- By Mr. Inglis. In relation to amending the Constitution of the United States. . . . . 32, 53



By Mr. Inglis. In relation to amending the Constitution so as to omit property qualification for a seat in House of Representatives, &c., &c. .... 49, 57

By Mr. Inglis. In relation to the adjournment of the Convention. .... 131

By Mr. Jones. In relation to the basis of a capitation tax. .... 100, 103

By Mr. Lesesne. To restrict the action of the Convention. .... 22

By Mr. Lesesne. In relation to ratification of Ordinances. .... 27

By Mr. Lesesne. Fixing a certain day for all popular elections, &c. .... 27, 50

By Mr. Lesesne. For the appointment of an additional Standing Committee. .... 27

By Mr. Macbeth. Providing that all taxes shall be laid on the actual value of property. .... 37, 53, 87

By Mr. Macbeth. Providing that colored persons and negroes be permitted to testify in the Courts in certain cases. .... 41, 58, 100, 114

By Mr. Melton. Authorizing Engrossing Committee to employ clerks. .... 37

By Mr. Melton. For adjournment of the Convention *sine die*. .... 133

By Mr. Melton. That pay bill issue to John D. Alexander. .... 134

By Mr. Melton. Requesting General Assembly to publish Ordinances, &c., with the Acts of, &c. .... 134

By Mr. McGowan. Prescribing qualifications of voters. .... 30, 50, 95, 105

By Mr. McGowan. Prohibiting re-establishment of slavery. .... 31, 53

By Mr. McGowan. Providing for personal protection, &c., &c. .... 31

By Mr. McGowan. To continue in force all laws now of force in the State, &c., &c., &c. .... 31

By Mr. McMaster. In relation to the place of residence of the Governor. .... 68

By Mr. Norwood. In relation to encouraging immigration. .... 54, 59

By Mr. Moses. Proposing to substitute the word "County" for the word "District," in the Constitution. .... 51

By Mr. Orr. That officers of the Convention be appointed by the President. .... 5

By Mr. Orr. For the appointment of Standing Committees. .... 29

By Mr. Orr. In relation to the election of Governor and Lieutenant-Governor, basis of representation, election of Judges, and other officers, prohibiting slavery, that elections by Legislature shall be "*viva voce*". .... 21, 40, 42, 58, 68, 100

By Mr. Orr. Providing for election of Secretary of State, Comptroller-General and Treasurer. .... 100

By Mr. Orr. Ordering all unfinished business to be laid on the table. .... 134



By Mr. Perry. Proposing Bill of Rights for the Constitution. . . . . 43, 49, 57

By Mr. F. W. Pickens. Providing for appointment of an Agent at Washington in relation to "Abandoned Lands." . . . . . 30

By Mr. F. W. Pickens. Proposing Bill of Rights for the Constitution. . . . . 43, 44, 49, 57

By Mr. F. W. Pickens. In relation to exemption of Real Estate from Levy and Sale, under certain conditions. . . . . 105, 119

By Mr. Reed. In relation to "post-hoc," &c. . . . . 47

By Mr. Rion. For the appointment of Standing Committees. . . . . 19, 20

By Mr. Rion. Proposing clause for the Constitution. . . . . 19, 32

By Mr. Rion. Proposing to give the Governor a qualified veto. 99, 105, 112

By Mr. Robertson. Instructing the Clerk to perform certain services. 116

By Mr. Robertson. Providing for expenses of the Convention. 50, 97, 117

By Mr. Simonton. Endorsing administration of President Johnson. 426

By Mr. Smart. Providing for organization of a militia force. . . . . 42, 39

By Mr. Sullivan. For restoring political relations with the United States, providing for election of Governor, &c. . . . . 20, 32, 40, 42, 49

By Mr. Tillman. In relation to Judicial and Election Districts, basis and apportionment of representation. . . . . 35, 53

By Mr. Tillman. Providing for new Judicial and Election Districts. 53, 59

By Mr. J. G. Thompson. In relation to the qualifications of residence of certain members. . . . . 97, 123

By Mr. Thomas Thompson. Providing for appointing a commission to report to next Legislature a code for government, &c., of colored population, what laws will be necessary, &c. . . . . 103

By Mr. Wagner. In relation to fostering internal improvements, &c. 37, 53

By Mr. William Wallace. Proposing memorial in behalf of Hon. Jefferson Davis and others. . . . . 29, 125

By Mr. Winsmith. Providing that negro slavery nor involuntary servitude shall hereafter exist in this State, &c. . . . . 30, 53

By Mr. Winsmith. In relation to the apportionment of the General Assembly. . . . . 46

By Mr. Winsmith. Providing for opening sessions daily with prayer. . . . . 8

By Committee Whole. Of acknowledgments to Hon. D. L. Wardlaw, President of the Convention. . . . . 134, 135

Real Estate, exemption from levy and sale. (See resolution by Mr. F. W. Pickens.)

Representation; basis of. (See resolution by Mr. Orr.)



## INDEX

197

Rights, Bill of. (See resolutions by Messrs. Pickens, Perry, and McGowan.)

Rules for Convention adopted 6, 10, 75

Rules, notice to amend 90, 67, 77, 87; amended 68, 75, 86

S. (See also S. S.)

Secretaries *pro tempore* of Convention appointed 2, 3

Secretary of State, election of, &c. (See resolution by Mr. Orr.)

Schools, public. (See resolution by Mr. Henry.)

Slavery. (See resolutions by Messrs. McGowan, Orr, Winsmith, Dunovant, and Ordinance; by Messrs. Ingalls and Leesche.)

Sloan, John T., appointed Clerk of Convention 10

State, credit of not to pledge. (See resolutions by Messrs. Billing and Dudley.)

State policy. (See resolutions by Messrs. Dunovant and Hamond.)

State House Keeper, to perform certain services. (See resolution by Mr. Furman.)

Stark, Théodore, account of, for contingent expenses of Convention 128, 134

Stephens, Hon. A. H., memorial in behalf of. (See resolution by William Wallace.)

St. Helena Parish, credentials of Delegate from 39, 51

St. Luke's Parish, returns of Managers of election for 6, 10

Sullivan, C. P., called to the Chair 105

T. (See also T. T.)

Taxation, property of corporations, &c., not to be exempted from. (See resolution by Mr. Black.)

Tax, capitation, basis of. (See resolution by Mr. Jones.)

Taxes, to be levied on actual value of property. (See resolution by Mr. Macbeth.)

Treasurer of the State, election of, &c. (See resolutions by Messrs. Orr and Sullivan.)

Trenholm, Hon. George A., memorial in behalf of. (See resolution by Mr. William Wallace.)

V.

Voters, qualifications of. (See resolutions by Mr. McGowan.)



## INDEX.

## W.

Wardlaw, Hon. D. L., elected President of the Convention ..... 5  
Wardlaw, Hon. D. L., address of ..... 135  
Washington, D. C., Agent of the State to reside at. (See resolution by Messrs. Frost and F. W. Pickens).  
Windsor, James, appointed Doorkeeper.

## ERRATA

Page 45, fill blank on last line with the word "detrimenit."  
Page 51, for "Yea's 36," read "Yea's 56."  
Page 133, 8th line from bottom for "Ordinanees was" read "Ordinances were."



INDEX  
TO THE  
**REPORTS AND RESOLUTIONS**  
ADOPTED BY THE CONVENTION,  
SEPTEMBER, 1865.

REPORTS OF SPECIAL COMMITTEES.	
On matter of election of Delegate from St. Lake's Parish .....	155
On credentials of Delegate from St. Helena Parish .....	158
REPORTS OF THE COMMITTEE OF WAYS AND MEANS.	
On the contingent account of Theodore Stark .....	160
On Governor's Message, and resolutions in reference to providing for the expenses of the Convention .....	160
REPORT OF THE COMMITTEE ON PRINTING.	
On procuring printing for the Convention .....	162
REPORTS OF THE COMMITTEE ON ORDINANCES AND RESOLUTIONS.	
On resolution as to the effect of the section in the Constitution requiring a six months residence in the District as a qualification for a Member of the General Assembly in those who have been obliged to remove by the casualties of war .....	163
On resolution in reference to prohibiting the existence of slavery	164



On resolutions in regard to the appointment of an Agent to proceed to Washington, &c., ..... 165

## RESOLUTIONS.

Instructing the Clerk of the Convention to perform certain services ..... 166

Appointing a Commission of two persons to report to the next General Assembly, what laws will be necessary, &c. ..... 166

Authorizing the Engrossing Committee to employ Clerks ..... 167

Directing the mode of ratifying Ordinances adopted ..... 167

Appointing a Committee to present to the President of the United States memorials in behalf of Hon. Jeff. Davis, Hon. A. H. Stephens, Hon. A. G. Magrath and Hon. George A. Trenholm ..... 167

Ordering pay bill to be issued to John D. Alexander ..... 168

Appropriating a certain sum as compensation for the use of building in which the Convention held its meetings ..... 168

Requesting that the Constitution, Ordinances and Resolutions adopted by the Convention, be published with the Acts, &c., of the next General Assembly ..... 168

Directing the Keeper of the State House to perform certain service ..... 169

Endorsing the Administration of President Johnson, &c. ..... 169

Acknowledgments of the Convention rendered to Hon. D. L. Wardlaw, President of the Convention ..... 169



---

# INDEX,

TO THE

## ORDINANCES ADOPTED BY THE CONVENTION,

SEPTEMBER, 1865.

---

### ORDINANCES.

To provide for the first ensuing election of Governor and Lieutenant-Governor, and for Members of the first ensuing General Assembly of the State of South Carolina, . . . . .	173
To declare in force the Constitution and laws heretofore in force in this State, and the Acts, official, public and private done; and appointments and elections made under authority of the same, . . . . .	176
To provide for the expenses of the Convention, . . . . .	179
To repeal the Ordinance of Secession, . . . . .	181
To divide the State into four Congressional Districts, . . . . .	182







INDEX  
TO THE  
CONSTITUTION OF THE STATE OF SOUTH CAROLINA,  
ADOPTED SEPTEMBER, 1865.

A.

	ARTICLE.	SECTION.
Acts or resolutions, to have the force of law shall, &c. 1		22
Acts, ratification of..... 1		23
Assembly, General. (See General Assembly.)		
Attainder, Bill of, shall never be passed. 1		9, 2

B.

Bail, excessive shall not be required..... 9		5
Bills for raising revenue, shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate. 1		21
Bills, other may originate in either House, and be amended, altered or rejected by the other. 1		21
Bills, when they shall have the force of laws..... 1 2		23, 21
Bills of Attainder, shall never be passed. 1		2
Bills to alter the Constitution..... 12		2

C.

Census, enumeration of white inhabitants to be made. 1		6
Civil power superior to military..... 9		9
Civil officers. (See officers.)		
Clergymen not eligible to certain offices..... 1		30



Columbia seat of Government.....	1
Columbia, Constitution adopted at. (Conclusion.)	
Commander-in-Chief. (See Governor.)	
Commissions, in what name and form, &c., &c.....	7
Convention, Delegates of the People met in, ordain the Constitution. (Preamble and conclusion.)	
Convention of the People, how called.....	12
Contracts, obligation of not to be impaired.....	9
Constitution, how to be altered or amended.....	12
Corporate bodies, rights of, preserved.....	9
Courts of Law and Equity, Superior and Inferior judi- cial power vested in or established by the Gen- eral Assembly.....	3
Courts, Inferior, styled "District Courts," to be established by the General Assembly.....	3
Courts, District, one or more to be established in each District.....	3
Courts, District, jurisdiction of.....	3
Courts, District, jurisdiction may be extended by Gen- eral Assembly.....	3
Courts, District, Judges of to be elected by the Gen- eral Assembly.....	3
Courts, District, Judges to be residents of the District.....	3
Courts, District, Judges, term of office (four years), re-eligible.....	3
Courts, Superior, Judges of to be elected by the Gen- eral Assembly.....	3
Courts, Superior, Judges of, term of office (during good behavior).....	3
Courts, Superior, Judges of, (compensation of, (not to be changed during their continuance in office). 3	
Courts for Appeal, to meet and sit in Columbia, and at such other places as the General Assembly may direct.....	3
Crimes, high, subject of impeachment.....	6
D	
Days of General Election.....	1
Death of Member of General Assembly, vacancy by, how filled.....	1
	29
	15



Death of Governor and Lieutenant-Governor, who shall succeed.....	2	39
Debate, freedom of, how secured.....	1	13
Delegates of the People in Convention. (Preamble.)		
Depart the State, member of General Assembly should.....	1	29
Disorderly behaviour, each House may punish member for.....	1	19
Disqualifying office, if member accepts.....	1	20
Disqualification to hold office, in case of impeachment.....	2	49
District Courts. (See Courts.)		
District, a single Election or Judicial. (See District Election.)		
District, Judicial, each to form an Election District.....	1	3

## E.

Elections, general, for Members of the General Assembly.....	1	15
Elections, who may be chosen Members of the House of Representatives.....	1	13
Elections, who may be chosen Senators.....	1	14
Elections, in all, by General Assembly or either House. Members shall vote " <i>ratio rote</i> ".....	1	25
Elections, each House of General Assembly shall judge of elections, returns, qualifications of its own Members, &c.....	1	17
Election of Governor and Lieutenant-Governor, how elected and when.....	1	2, 4, 5, 18
Elections, of Judges of Superior and District Courts.....	3	
Elections, of Treasurer and Secretary of State and other officers.....	1	4, 2
Elections, in all, made by the people, who entitled to vote.....	4	5
Election Districts, how constituted.....	1	3
boundaries of.....	1	4
Members of the House of Representatives apportioned among.....	1	5
Election Districts, Parishes do not constitute.....	1	5
Representative for All Saints assigned to Horry for a certain interval.....	1	5



Election Districts, how Representatives shall be assigned to.....	1	7
Election Districts, each shall have one, and none more than twelve Representatives.....	1	9
Election Districts, when apportionment of Representatives shall be construed to take effect.....	1	10
Election Districts, one Senator allowed to each, except Charleston District, which is allowed two.....	1	11
Election Districts, in which citizens may vote.....	1	13, 14
neglecting to choose a Member, &c. 1		29
Eligible, who may be to a seat in the House of Representatives.....	1	13
Eligible, who may be as Senator.....	1	14
who may be as Governor or Lieutenant-Governor.....	2	3, 5
Eligible, Treasurer, Secretary of State and Sheriff not eligible for the next succeeding term.....	7	1, 2
Enumeration of white inhabitants to be made.....	1	5, 6
Equity Courts of. (See Courts.)		
Equitable distribution of estates of intestates.....	9	10
Estate of Member protected.....	1	20
Estate of Societies preserved.....	9	9
Executive authority vested in Governor.....	2	1
Executive Department, officers in, to give information to Governor when required.....	2	14
Ex Post Facto Law shall not be passed.....	9	2

## F.

Fees or perquisites of office, not to be taken by Judges.....	3	1
Felony, except from privilege against arrest.....	1	20
Fines, Governor may remit.....	2	11
Fines, excessive shall not be imposed.....	9	5
For failures, Governor may remit.....	2	11
Fraction of white population and taxes.....	1	3

## G.

General Assembly, shall consist of a Senate and House of Representatives.....	1	1
---	---	---



## INDEX.

207

General Assembly, Legislative authority vested in	1
shall assign Representatives, &c.	7
General Assembly, lay taxes on the actual value of the property taxed	8
General Assembly shall meet annually at Columbia on the fourth Monday in November, unless, &c.	15
General Assembly, members of protected in their per- sons and estates for a certain time	20
General Assembly, in all elections by the members shall vote <i>ratio ratione</i>	25
General Assembly, compensation of members of, which cannot be charged, to take effect, during the existence of the General Assembly, which shall make such alteration	26
General Assembly, neither House of, shall adjourn for more than three days, &c., &c., without the consent of the other	27
General Assembly, persons who are not eligible to a seat in	28, 30
General Assembly, vacancies in either House, how filled	29
General Assembly, Governor, shall give information to, &c.	15
General Assembly, may be convened by the Governor	16
General Assembly, may be adjourned by the Governor	16
Government, seat of	15
Government, free, founded on authority of the peo- ple, &c.	1
Governor, Executive authority, vested in	2
Governor, how and when chosen	2
Governor, term of office	2
Governor, qualifications of office	2
Governor, compensation of	13
Governor, shall not be re-eligible for the next suc- ceeding term	2
Governor shall be Commander-in-Chief of the Army and Navy, and of the Militia, except, &c.	10
Governor may grant reprieves and pardons, remit fines and forfeitures, except, &c.	11



Governor shall report to the General Assembly all par-	2	11
dons granted by him, &c., &c., .....	2	11
Governor shall see that the laws be faithfully executed	2	12
in meréy .....	2	12
Governor shall give to the General Assembly informa-	2	15
tion of the condition of the State .....	2	15
Governor may require information from all officers	2	14
in the Executive Department .....	2	14
Governor may convene the General Assembly on ex-	2	16
traordinary occasions .....	2	16
Governor may adjourn the General Assembly under	2	16
certain circumstances .....	2	16
Governor shall commission all officers of the State ..	2	17
Governor shall take oath prescribed before entering on	2	19
the duties of office .....	2	19
Governor shall reside during the sitting of the Gene-	2	20
ral Assembly at the place where its session may	2	20
be held .....	2	20
Governor may be required by the General Assembly	2	20
to reside at the Capitol of the State .....	2	20
Governor shall sign all bills passed by the General As-	2	21
sembly, before they become laws, if approved;	2	21
if not, return them with his objections, &c., &c., ..	2	21
Governor shall be liable to impeachment for, &c., ..	6	3
Governor, in case of impeachment, removal from of-	2	3
fice, death, &c., &c., the Lieutenant-Governor	2	9
shall succeed to his office .....	2	9
Governor, Lieutenant, how and when chosen .....	2	5, 18
Governor, Lieutenant, term of office of .....	2	5
Governor, Lieutenant, qualification of .....	2	5
Governor, Lieutenant, compensation of .....	2	13
Governor, Lieutenant, shall be <i>ex officio</i> President of	2	5
the Senate .....	2	5
Governor, Lieutenant, as President of the Senate, shall	2	6
have no vote except the Senate be equally di-	2	6
vided .....	2	6
Governor, Lieutenant, shall succeed to the office of	2	9
Governor in certain cases .....	2	9
Governor, Lieutenant, shall take oath prescribed be-	2	19
fore entering on the duties of office .....	2	19



Governor, Lieutenant, shall be liable to impeachment. 6  
 Governor, Lieutenant, in case of impeachment of, removal from office, death, &c., &c., the President *pro tempore* of the Senate shall succeed to his office. 2 9

## H.

Habemus Corpus, writ of shall not be suspended, except in certain contingencies. 9  
 Hereditary distinction, title of shall not be granted. 9  
 Houses. (See General Assembly.)  
 House of Representatives, a branch of the General Assembly. 1 1  
 House of Representatives, its members, how chosen and for what time. 1 2  
 House of Representatives, its members, general election of. 1 15  
 House of Representatives, its members, number of (one hundred and twenty-four) and how apportioned. 1, 5, 6; 7, 8, 9 10  
 House of Representatives, qualifications of its members. 1 13  
 House of Representatives, persons who are not eligible as members. 1, 28 30  
 House of Representatives, its members, when terms of office shall begin. 1 16  
 House of Representatives shall judge of the elections, returns and qualifications of its own members. 1 17  
 House of Representatives, a majority shall constitute a quorum to do business. 1 17  
 House of Representatives, less than a majority may adjourn from day to day, and compel the attendance of absent members. 1 17  
 House of Representatives shall choose its own officers, determine rules of proceeding, punish members, &c. 1 18  
 House of Representatives may punish persons not members for certain offences. 1 19  
 House of Representatives, members of, protected in persons and estates for a certain time. 1 20



210 INDEX.

House of Representatives, bills for raising revenue shall originate in, . . . . .	12	21
House of Representatives, members shall vote <i>ea- cuse, &amp;c.</i> . . . . .	1	25
House of Representatives members, compensation of, which may be increased or diminished, under certain circumstances, . . . . .	1	26
House of Representatives shall not adjourn for more than three days, without the consent of the Senate, . . . . .	1	27
House of Representatives, members accepting or exercising disqualifying offices shall vacate their seats . . . . .	1	28
House of Representatives, vacancies how filled, . . . . .	1	29
House of Representatives, members of, being chosen and acting as Governor or Lieutenant-Governor shall vacate his seat, . . . . .	1	30
House of Representatives shall have the sole power of impeaching . . . . .	1	4
Impeaching, House of Representatives has the sole power of . . . . .	1	4
Impeachments, can only be made by two-thirds of the House of Representatives, . . . . .	1	4
Impeachments, shall be tried by the Senate and House, . . . . .	1	2
Impeachments, who are liable to, and for what, . . . . .	1	3
Impeachments, judgment in cases of, shall not extend beyond, &c. . . . .	1	3
Imprisoned, no person shall be unlawfully, . . . . .	1	2
Imprisonment, mode of punishing certain contempts, . . . . .	1	19
Infirmit, bodily or mental, office may be declared vacant for . . . . .	1	6
Intestates, distribution of, . . . . .	1	9
J.		
Judicial power vested in such Superior and Inferior Courts of Law and Equity as the General As- sembly shall direct and establish, . . . . .	1	3



## INDEX.

211

Judges of Superior Courts to be elected by the General Assembly, . . . . .	3
Judges of Superior Courts, term of office (during good behaviour), . . . . .	3
Judges of Superior Courts, compensation of, (which shall not be changed during their continuance in office), . . . . .	3
Judges of Superior Courts, shall receive no fees, or perquisites of office, nor hold any other office of profit or trust, . . . . .	3
Judges of Superior Courts shall meet and sit in Columbia, and such other places as the General Assembly shall direct for new trials, &c., &c., . . . .	3
Judges of District Courts, to be elected by the General Assembly . . . . .	3
Judges of District Courts, term of office (four years, and re-eligible) . . . . .	3
Judges of District Courts, jurisdiction of, which may be extended by the General Assembly . . . . .	3
Judgment, in cases of impeachment, shall not extend, &c., &c., . . . . .	6
Jury trial by . . . . .	9
 <b>L.</b>	
Law of the land, . . . . .	9
Law, <i>ex post facto</i> , shall not be passed . . . . .	9
Laws impairing obligation of contracts shall not be passed, . . . . .	2
Laws of force, at the adoption of this Constitution, shall so continue, &c., . . . . .	8
Laws, to be faithfully executed by Governor in mercy, . . . .	12
Law, force of, when Bill shall have, . . . . .	1, 2
Law, Courts of, (See Courts.)	23, 24
Law, for rights of primogeniture shall not be re-established, . . . . .	9
Legislative authority to be vested in the General Assembly, . . . . .	1
Legislature, (See General Assembly.)	1
Liberty of conscience shall be permitted . . . . .	9
Liberty of the Press, shall be preserved . . . . .	9



Liberty of persons.....	9	2
Lieutenant-Governor. (See Governor, Lieutenant.)		
Life, secured.....	9	2
Lot, Senators divided into classes by.....	1	12

## M.

Magna Charta.....	9	2
Meeting of General Assembly. (See General Assembly.)		
Mercy, laws to be executed in.....	3	12
Military subordinate to civil power.....	9	3
Militia of this State, Governor shall be Commander-in-Chief, except, &c.....	2	10
Minister of the Gospel, not eligible to certain offices..	1	30
Money, not to be drawn from the Treasury without Legislative authority.....	1	24

## N.

Navy of this State.....	1	29
Governor, Commander-in-Chief of, except, &c.....	2	10
Nobility, title of, shall not be granted.....	9	6

## O.

Oath, of all persons appointed to office of profit or trust.....	5	
Office, what shall exclude from the General Assembly..	1	28
Officers, civil, shall be liable to impeachment.....	6	3
whose authority is limited to a single District, &c.....	6	4
Officers, civil, appointment of, removal from office, &c..	6	4
office of, may be declared vacant.....	6	5
Treasurer and Secretary of State shall be elected by General Assembly.....	7	1
Officers, civil, other, how appointed.....	7	2
how commissions are issued.....	7	3
(See Governor, Judges, Treasurer, Secretary, Sheriff.)		
Outlawed, no person shall be except, &c.....	9	9







Right, of primogeniture shall not be re-established.. 9  
 Rights of societies and corporate bodies shall remain.. 9  
 Rules of proceeding, each House to determine..... 1

## S.

Seal of State, to be affixed to Acts.....	1	23
Seal of State, commissions to be sealed with.....	7	3
Secretary of State, how elected and term of office.....	7	1
Secretary of State, not eligible for next succeeding term.....	7	1
Secretary of State, shall hold his office and reside at the seat of Government.....	11	2
Senate, branch of the General Assembly.....	1	1
Senate, composed of one member from each Election District, except Charleston District, which is allowed two Senators.....	1	11
Senate divided by lot into two classes, &c.....	1	12
Senate, who eligible to seat in.....	1	13
Senate, who are not eligible to seat in.....	1	28, 30
Senate, general elections of Senators.....	1	15
Senate, terms of office of, beginning of.....	1	16
Senate, shall judge of the elections, returns and qualifications of its own members.....	1	17
Senate, majority shall constitute a quorum, but a smaller may adjourn from day to day, and compel attendance of absent members.....	1	17
Senate shall choose its officers, determine rules of proceeding, punish members, &c.....	1	18
Senate may punish persons, not members, &c.....	1	19
Senate, members of, protected in their persons and estates, &c.....	1	20
Senate, in all elections by, the Senators shall vote <i>avis de voce</i> .....	1	25
Senate, shall not adjourn for more than three days, &c., without consent of House of Representatives..	1	27
Senate, Senator accepting, or exercising a disqualifying office, shall vacate his seat.....	1	28
Senate, vacancies in, how filled.....	1	29
Senate, Lieutenant-Governor <i>ex officio</i> President of... 2		5



## INDEX.

215

Senate, Senator acting as Governor or Lieutenant-Governor shall vacate his seat.....	2	8
Senate, shall a President <i>pro tempore</i> , to act in the absence of the Lieutenant-Governor.....	2	7
Senate, in case of the offices of Governor and Lieutenant-Governor and a President <i>pro tempore</i> becoming vacant in recess of, the Secretary of State shall convene the Senate by proclamation, &c.....	2	9
Senate, all impeachments, to be tried by and how.....	6	2
Senate, House bills and resolutions shall be signed.....	1	23
Servitude, not for crime.....	4	11
Sheriff, liable for the execution of.....	2	2
Slaves, not be re-enslaved except for crime.....	11	9
Soldiers, to be served.....	19	19
Soldiers, to receive.....	3	3
Taxes, portions of property.....	5, 7, 9	8
Taxes, the law of property.....	8	8
Tax, on certain persons to be collected.....	10	10
Title of.....	9	6
Treason, not.....	1	20
Treasurer, election.....	7	1
Treasurer, term of office.....	7	1
Treasurer not eligible for the next succeeding term.....	7	1
Treasurer shall hold his office, and reside at the seat of Government.....	11	2
U		
United States, office under, excludes from General Assembly.....	1	28



## INDEX.

United States, office under, Governor shall not hold... 2 3  
 Judges shall not hold.... 2 3

non-commissioned officers and soldiers  
 of the army of, and seamen, and marines of the  
 Navy of, not to vote..... 4

## V.

Vacancy in either House, how filled, ..... 1 29  
 Voters, qualifications of, in all elections to be made by  
 the people, &c. (See Proviso.) ..... 4

## W.

White inhabitants, enumeration of..... 1 5, 6  
 in apportionment of Representatives..... 1 7, 9  
 Writ of Election, when and how issued ..... 1 15, 29

203M17 M 1359  
06/08/99 47480







1 300 01060688

